

United States  
Circuit Court of Appeals

For the Ninth Circuit.

THE TEXAS COMPANY,

Petitioner,

vs.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

Transcript of Record

In Five Volumes

VOLUME II

Pages 495 to 997

Upon Petition to Review and Enforce an Order of the  
National Labor Relations Board

FILED

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PAUL P. O'BRIEN,



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NATIONAL MARITIME UNION OF AMERICA,  
Intervener.

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Upon Petition to Review, and Request for Enforcement  
of, Order of the National Labor Relations Board





GEORGE B. HART

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Trial Examiner Myers: Will you give your name and address to the reporter?

A. George B. Hart, 618½ Houston Avenue, Port Arthur.

Direct Examination

Q. (By Mr. Wright) Mr. Hart, were you on the steamship "Nevada" of The Texas Company on or about April 19, 1938? A. Yes, sir.

Q. In what capacity were you signed on?

A. Quartermaster.

Q. Did you on April 19, at about 7:30 a. m., overhear a part of a conversation had between Mr. Rosen, an able-bodied seaman, [455] and a seaman by the name of Leo Herman? A. Yes, sir.

Q. Will you say what part of the conversation you heard?

Mr. Van Dusen: Now, Mr. Examiner, we object on the grounds that the conversation is hearsay.

Trial Examiner Myers: You had better connect it up.

Mr. Wright: We will connect it up.

Trial Examiner Myers: I will take it subject to connection, and if it is not connected up I will entertain a motion to strike it out.

A. I came out of the mess hall, going out to relieve the other quartermaster, at 8:00 o'clock;

(Testimony of George B. Hart.)

and Rosen and Herman were talking in the passageway, and as I stopped by I heard Herman say to Rosen: "I have an I. S. U. book, and I don't give a damn who knows it." And I walked on down the passageway. There was some more conversation, but I don't remember just what it was. And I walked on out and relieved the other quartermaster.

Q. (By Mr. Wright) How long prior to April 19, had you been on the steamship "Nevada"?

A. I went on there that last night of February. My time started March 1.

Q. Up through April 19, had the able-bodied seaman, Leo Herman, been aboard the steamship "Nevada"?

A. No, sir. He just came on board the night before. [456]

Q. He came on board the eighteenth?

A. I suppose that was the time. It was the next morning I heard the conversation, and he came on that evening before.

Q. Mr. Hart, what are the nature of a quartermaster's duties on board a ship?

A. Well, he steers a tanker while at sea, and in port he assists the mate in pumping out and loading the ship, and stands gangway watch, and watches the lines.

Q. Now, on April 19, at about 8:00 o'clock in the morning was the ship at sea or at dock?

A. Alongside of the dock, down at the Island.

Q. Then your duties at 8:00 o'clock on April 19

(Testimony of George B. Hart.)

were the duties that customarily fall to a quartermaster while a ship is at dock?

A. Yes, sir.

Q. On this particular day, April 19, at 8:00 o'clock did you have an occasion to overhear a conversation that transpired between this new A. B., Leo Herman, and the chief mate on the vessel, Mr. Tranberg?

A. Yes, sir, I did.

Q. Will you relate that conversation?

A. Well, I had relieved the other quartermaster. We were standing by the bows. The pumpman, the first mate and myself were standing right under the fly bridge just aft of the amidships house, standing there by some valves, waiting for [457] the tank to load, until we shut off the valves. This Herman came out, and he said to the mate, he said they were in a squabble back aft about him being a union man, an I. S. U. man. And he said he wanted to know where he stood. And the mate told him that The Texas Company didn't make any distinction between N. M. U. and I. S. U. men, or whether he didn't belong to any union. He said, this Herman said: "Well, they are talking about setting her down." And the mate said: "If they want to set her down they can set their gear over on the bank. I don't give a damn whether you are an I. S. U. an N. M. U. or what you are."

Trial Examiner Myers: What does setting down mean?

(Testimony of George B. Hart.)

A. That was a term they use if they are going to have any trouble, like a sit-down strike, like they call a slang phrase, I believe. The mate turned around to me, Mr. Tranberg, and he said: "Hart, how about this? What is this all about?" And I told him all the men back aft who had been on the ship were N. M. U. but this fellow, and he was an I. S. U., and nobody wanted him on there. And just then the pumpman hollered at me, and I ran over to shut off the valve. And I came back, and the A. B. had left there. And Tranberg and I stood there, and we talked a few minutes about what this fellow had said, and he told me: "When you go back aft you tell those people I don't want none of that kind of stuff on here. I am not going to have it. I thought I got rid of that when I got [458] rid of that fellow yesterday."

Trial Examiner Myers: What name?

A. Tranberg. He said when he got rid of that fellow yesterday.

Q. (By Mr. Wright) Now, Mr. Hart, to whom did he refer about having gotten rid of him yesterday?

A. I suppose he meant Buckless. He had fired Buckless yesterday.

Q. Had he gotten rid of anybody else besides Buckless the day before?

A. Yes, an ordinary seaman, but I don't know what his name was; a rather peculiar name.

(Testimony of George B. Hart.)

Mr. Van Dusen: Mr. Examiner, I move that the answer, "I suppose he meant Buckless," be stricken, since he now says there were two men, and he can't tell which it was.

Trial Examiner Myers: You can bring that out on cross examination.

Mr. Van Dusen: I would like a ruling on my motion. He says, "I suppose he meant Buckless." That is not a definite statement.

Trial Examiner Myers: You can bring that out on cross examination. I deny your motion at present.

Mr. Van Dusen: Exception.

Trial Examiner Myers: Why do you think he meant Buckless? Let's clear it up now. [459]

A. Well, everybody on the ship thought Buckless got fired for union activity. That is the only thing I know of.

Q. Was this other seaman active in the union?

A. No, sir.

Q. Of the two, Buckless was the most active?

A. Yes, sir. Buckless was a delegate.

Q. More active? A. Yes, sir.

Trial Examiner Myers: Go ahead.

Q. (By Mr. Wright) Now, Mr. Hart, can you tell us whether or not it was in line with your duties at that time, on April 19, at 8:00 a. m., to be in substantially the place where you were when you heard the conversation?



(Testimony of George B. Hart.)

A. Absolutely, that is where I was supposed to be.

Q. It was within your line of duty to be at that particular spot? A. Yes, sir.

Q. Do you know a man by the name of P. K. Guy? A. Yes, sir, I know him.

Q. Was he present at that time too, at the time of the conversation?

A. Yes, sir, he was. He was I would say a matter of ten or fifteen feet away.

Q. How long, Mr. Hart, had you worked on the same ship with Mr. Rosen? [460]

A. From March 1.

Q. To when?

A. To the time this happened. I don't know just the date. I said I was with him from March 1, until he was discharged.

Trial Examiner Myers: Some time in July you mean?

A. Discharged from that particular ship.

Q. (By Mr. Wright) On April 19?

A. Around in April some time. I don't just remember the date.

Q. Had you ever worked on any other ship with Mr. Rosen? A. No, sir.

Q. That was the first time you had ever worked with him? A. Yes, sir.

Q. How long have you been a seaman, Mr. Hart? A. Since January 7, 1916.

(Testimony of George B. Hart.)

Q. How many various kinds of jobs have you held on board ships during the time you have been a seaman, beginning with ordinary and working on up to various posts you have held on a ship?

A. Well, I started in the navy as apprentice seaman, and worked up to chief petty officer in the navy; therefore, a matter of about twelve or fifteen years. I started out in the Merchant Service as an A. B., and I have been A. B., quartermaster, and even had a shot at being radio man one time.

Q. During the time you have been in the navy, in the Merchant Marine, have you had occasion to observe a great many able- [461] bodied seamen work at their jobs?

A. I had a deck division of approximately 110 men for eight years in the navy, and was in direct charge of them.

Q. You were in charge of that many?

A. Yes, sir.

Q. All of them A. B. seamen?

A. No, sir. What we call an A. B. in the Merchant service is what we call first class seaman in the navy. Approximately sixty per cent of them were first class seamen, and the rest were second class.

Trial Examiner Myers: But there is really no difference——

A. No, sir.

Q. Except the pay?

(Testimony of George B. Hart.)

A. No, sir. One is in the Merchant service and the other is in the navy.

Q. I mean in the navy, between a seaman and a seaman first class; the only difference is in pay?

A. Yes, sir.

Q. Their duties are the same?

A. The same. [462]

Q. (By Mr. Wright) Mr. Hart, from your experience with able-bodied seamen, both as an able-bodied seaman yourself, and as foreman or supervisor of able-bodied seamen, do you believe you could tell a good able-bodied seaman from an ordinary able-bodied seaman or a poor able-bodied seaman in respect to his ability to work and the class of his work?

A. If I could see him working I undoubtedly could.

Q. Did you have occasion while you were in the service with Mr. Rosen to observe his work?

A. Yes, sir, I did. He was on my watch.

Q. From your experience and from your observation of Mr. Rosen would you say that he was a good able-bodied seaman and that he did his work well?

A. I certainly would.

Q. Would you say he was above the average?

A. Yes, I believe he is above the average one I have met, tanker seamen, anywhere.

Q. Mr. Hart, have you been an employee on the steamship "Louisiana" also?

A. Yes, sir.



(Testimony of George B. Hart.)

Q. Can you state about what time you were an employee on that ship?

A. From the 4th of July this year until the 7th of this month.

Trial Examiner Myers: Does the "Louisiana" belong to the [463] Texas Company?

Mr. Wright: I am getting ready to ask him that.

Q. Do you know what company the steamship "Louisiana" belongs to?

A. I don't know what company the steamship "Louisiana" belongs to. The motorship "Louisiana" belongs to The Texas Company.

Q. Mr. Hart, during the time you were on the vessel "Louisiana" did you have occasion to see the instrument that has been marked "Board's Exhibit No. 9"?      A. Yes, sir.

Q. Will you state where you saw this instrument?

A. I was on the "Louisiana." I was on there as an A. B. There were two of us in the room, and the other A. B. in the room was a fellow by the name of Shaw. I don't know what his first name is, but he was the deck delegate. He received one of these letters in the mail.

Q. A letter in which this circular was?

A. Yes, sir.

Q. Were you there when the letter was opened?

A. Yes, sir, I was.

(Testimony of George B. Hart.)

Q. What happened to that instrument after it was taken out of the envelope?

A. Well, they were all back in the mess hall drinking coffee, and when he opened the letter he handed it around, and some of [464] us read it; and then he took a thumb tack and stuck it up on the bulkhead in the mess hall, and it stayed there several days.

Q. Can you say how many days it stayed there?

A. I would say that was a week, something like that.

Q. During the course of a week does the captain of a vessel and the mates, boatswain and engineers have occasion to come into the crew's mess ordinarily?

A. On that particular ship the boatswain was in there at least twice a day. He had his coffee in there with us at coffee time. The mate, he might go back there, and he might not; but the captain on there, he usually inspects the quarters and passageway back aft to see that they were clean and shipshape, and the mess rooms. He was in there some time during that time.

Q. Mr. Hart, during the course of the time while this instrument was up in the mess room did you ever see the captain in there reading it?

A. No, I never personally saw him in there reading it.

Q. Did you ever see one of the mates in there reading it?

A. I can't say that I did.

(Testimony of George B. Hart.)

Trial Examiner Myers: Did you ever see either one of them look at it?

A. No, sir.

Q. (By Mr. Wright) How about the boatswain? [465]

A. The boatswain read it.

Q. How about the chief engineer?

A. I don't know that I ever saw the chief engineer in there.

Q. Mr. Hart, have you ever talked with any one who did see the captain of the vessel reading that instrument while it was in the mess room?

A. Yes, I have, my room mate, Shaw.

Mr. Wright: That is all.

Mr. Van Dusen: I move to strike that on the ground that it is hearsay. He was not there when the captain looked at the circular. It is what Mr. Shaw told him.

Trial Examiner Myers: He only asked him if he saw anybody there.

Mr. Van Dusen: No, he asked him if any one told him that the captain looked at it.

Trial Examiner Myers: Will you read the question, please?

(Question read.)

Trial Examiner Myers: I will overrule it.

Mr. Williams: I understand the answer is not quite responsive. That question could be answered "yes" or "no". It goes forward.

(Testimony of George B. Hart.)

Trial Examiner Myers: If you move to strike it as being not responsive I will strike everything except the word, [466] "yes."

Mr. Williams: All right, I move that it be stricken. The question is not responsive. The question is not responsive; and, furthermore, it is hearsay as to what was said. I move to strike it out as not responsive.

Trial Examiner Myers: Just strike out everything except the word "yes." Otherwise, the motion is denied.

Mr. Van Dusen: That is satisfactory.

Q. (By Mr. Wright) Mr. Hart, what was that person's name?

A. His last name was Shaw.

Q. Was he your room mate? A. Yes, sir.

Mr. Wright: That is all.

### Cross Examination

Q. (By Mr. Van Dusen) Mr. Hart, you are a member of the N. M. U., are you?

A. Yes, sir.

Q. How long have you been a member of the N. M. U.? A. July last year.

Q. July last year? A. Yes, sir.

Q. 1937? A. Yes, sir.

Q. Are you employed on any ship now, Mr. Hart?

A. Not since the 7th of this month. [467]

Q. Did you leave that ship? A. Yes, sir.

(Testimony of George B. Hart.)

Q. What ship was that, you say?

A. Motorship "Louisiana".

Q. You left of your own accord?

A. Yes, sir.

Q. Now this conversation between Mr. Rosen and Mr. Herman that you overheard, was any one else present?

A. Not that I know of.

Q. Now I believe you said that you were present when Mr. Herman and Mr. Tranberg had a conversation?

A. Yes, sir.

Q. I understood you to say that a pumpman was there?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.

Q. Do you know his name?

A. Jack Dillon or Dallan, or some such name as that.

Q. Now, Mr. Hart, when Mr. Wright asked you if you knew to whom the mate was referring when he said he got rid of that fellow yesterday, and you answered, I suppose it was Buckless, you don't know of your own personal knowledge that it was Buckless, do you?

A. No, he didn't say Buckless. That was just a guess of mine about Buckless. [468]

Q. It could have been either Buckless or this other man you refer to, is that right?

A. Yes, sir.

Mr. Wright: I object to that as calling for a conclusion.

(Testimony of George B. Hart.)

Trial Examiner Myers: Overruled.

Q. (By Mr. Van Dusen) You were not present when Buckless left the ship, were you? Withdraw that. You were not present when Buckless was paid off and left the ship?

A. I believe I was present when he was paid off.

Q. Well, did the chief mate say anything regarding his leaving the ship?

A. I couldn't say as to that.

Q. You didn't hear anything?

A. I don't know.

Q. Did you hear Buckless say anything?

A. Well, Buckless told me that he was fired, and I thought he was kidding me.

Q. No, I mean you didn't hear Buckless say anything to the mate?      A. No.

Q. Were you present when Rosen was paid off?

A. No, I was not there when he got his money. I was there when he left the ship.

Q. Were you there when he got his discharge certificate? [469]      A. No, sir.

Q. Did you hear any conversation between Rosen and the mate or the captain at the time he got his discharge or was paid off?

A. Not just at the time he got his discharge.

Q. Or just prior to that time?

A. Yes, sir.

Q. Did you hear the mate say to Rosen that he didn't want him on the ship because he had been neglecting his duties?



(Testimony of George B. Hart.)

A. No, sir, that was not what I heard him say.

Q. What did you hear?

A. I heard Rosen asking him what he was fired for.

Q. And what did the mate say?

A. I believe Mr. Tranberg told him he didn't like the way he worked.

Q. Was the captain there at the time?

A. No, I don't believe he was there. I don't remember him being there.

Q. Well, now, did you hear the captain say to Buckless either at the time he was paid off or shortly prior to that time that he didn't want him on the ship because he had been drunk and had taken on some liquor at Bilbao, Spain?

A. No, sir.

Q. You didn't hear that?

A. No, sir. [470]

Q. You were not present all the time Buckless spoke to the mate and the captain at the time he left the ship?

A. No, sir, I was not.

Q. All right. Now this Mr. T. K. Guy you referred to, what was his job on the ship?

A. He was ordinary seaman.

Q. Ordinary seaman?

A. I believe he was on my watch.

Q. Did you remain on the ship on its next trip?

A. Yes, sir.

Q. Were you on Texas Company ships since that time down to the present time?

A. Yes, sir.

(Testimony of George B. Hart.)

Q. Were you particularly friendly with Rosen and Buckless?

A. No, not any more than anybody else.

Q. Now you said that from your observation of Mr. Rosen's work he was a good A. B., didn't you?

A. Yes, sir.

Q. Well now you didn't see him all the time he was on duty, did you?

A. Not constantly, no, sir.

Q. So that you cannot say of your own personal knowledge that he attended to his duties all the time he was on duty, can you?

A. No, I didn't follow him around or anything like that. I [471] was in the wheelhouse most of the time.

Q. You were quartermaster on that ship?

A. Yes, sir.

Q. During your watch you had to be at the wheel most of the time?

A. At sea, all the time.

Q. At sea, all the time?

A. Except the time I was relieved for coffee.

Q. How long a period of time would that be?

A. Twenty minutes or half an hour.

Q. Rosen was an A. B., was he not?

A. Yes, sir.

Q. And his duties covered a wider range of the ship than yours?

A. Certainly, all over the ship.



(Testimony of George B. Hart.)

Q. So you only saw him when he was up around your section of the ship? A. And forward.

Q. Now did you have occasion to see Buckless while you were on duty or while you were on the ship? A. Yes, sir.

Q. Did you at any time during that trip ever see Mr. Buckless in an intoxicated condition?

A. No, sir.

Q. Did you get off the ship at Bilbao, Spain?

[472]

A. I didn't make the trip to Spain.

Q. That was a later trip?

A. I came on the day they got back, I believe it was.

Q. Did you ever see Mr. Buckless come aboard the ship in an intoxicated condition?

A. No, sir.

Trial Examiner Myers: Or under the influence of liquor? A. No, sir, I never did.

Q. (By Mr. Van Dusen) Did you ever see any liquor in his possession?

A. On the beach I have seen him drink beer.

Q. Where?

A. Over on the beach I have seen him drink beer.

Q. Just prior to sailing time?

A. No, I don't know that it was just prior to sailing time. You go there, and you go in different places, and you see different fellows in there. I have seen different fellows in there drinking beer and one thing and another.

(Testimony of George B. Hart.)

Q. How about other ports other than Port Arthur?

A. I believe I did at one time see him at New Haven drinking some beer out there one day.

Q. You are not usually in these ports very long, are you?

A. No, about ten or twelve or fifteen hours, as a rule; maybe overnight. [473]

Mr. Van Dusen: That is all.

#### Redirect Examination

Q. (By Mr. Wright) Just one question, Mr. Hart. During the time when you and Mr. Rosen were on the steamship "Nevada" did you have an occasion to observe Mr. Rosen's work enough to form an opinion with respect to the quality of his work, his competency?

A. As a seaman, you mean? [474]

Q. Just seeing him around working.

A. I have seen him work on the deck and do splicing and one thing and another, getting ready for loading, and the way he handled the gear and one thing another, and while we were in port.

Q. Mr. Hart, was Mr. Buckless on your watch?

A. He was boatswain on the ship.

Q. On your watch?

A. No. The boatswain is usually a day worker; turns to at eight o'clock, and knocks off at four or five. And while we were at Cat Island the captain yanked him off the day work and put him on the

(Testimony of George B. Hart.)

watch out there so they would have three men on watch, or four men on watch.

Q. Have you stated yet what your watch was?

A. Eight to twelve.

Q. Eight to twelve?

A. Eight to twelve first; and then after Rosen left ship they took a man, or after Buckless left the ship, they took a man that was quarter master and made him boatswain; and another man by the name of Lee Arnold was on the ship. He had the four to eight watch, and they shoved me up on the four to eight watch, and the new man that came on took the eight to twelve watch.

Q. So you were not on watch with him?

A. The only time he was on a watch right there with me was [475] when he was at Cat Island.

Q. In other words, you were off duty when he was on duty?      A. Yes, sir.

Q. And did you have occasion to observe Mr. Buckless' work?

A. Yes, several times.

Q. From you experience and observation of Mr. Buckless' work, would you say that he was a competent seaman?      A. Yes, sir, he was.

Q. What would you say that he was a competent boatswain?      A. Yes, sir, I believe he is.

Q. Would you say that his seamanship was above the average, or average, or below the average?

A. I would say it is at least average.

Mr. Wright: That is all.

(Testimony of George B. Hart.)

Recross Examination

Q. (By Mr. Van Dusen) Mr. Hart, on about how many occasions would you say you saw Mr. Buckless attending to his duties?

A. Well, every time you go into port the quartermaster goes down and works on the deck, loading and unloading, and tying up. Every time you come in the quartermaster assists in tying up the ship. I would say that all together there were fifteen or twenty times that I was out on deck working with him.

Q. When you did see him, for what period of time was it, [476] on each occasion, approximately?

A. Oh, up in New Haven I was on the deck four hours up there with him. He had the gang out working. And several other occasions I was on deck for a matter of two hours at a stretch when he would be out there, or something like that.

Q. You didn't see him all the time that he was on duty, did you?

A. No, sir. That would be impossible.

Q. So that you cannot say of your own knowledge whether he attended to his duties at the time you did not see him?

A. No, sir, I couldn't.

Mr. Van Dusen: That is all.

Mr. Wright: That is all.

Trial Examiner Myers: You are excused, Mr. Hart.

The Witness: Thank you.

JAMES P. BLASINGAME,

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Trial Examiner Myers: Give your name and address to the reporter.

A. James P. Blasingame, 211 Sixth Street, Port Arthur, Texas.

Q. (By Mr. Martin) Mr. Blasingame, are you an able-bodied [477] seaman? A. Yes, sir.

Q. How long have you been at sea?

A. Approximately ten years.

Q. How long have you been an able-bodied seaman? A. Seven years.

Q. What jobs have you held on boat?

A. Ordinary seaman, A. B., boatswain, quarter-master, master of arms, deck watchman.

Q. Have you ever been employed by The Texas Company? A. Yes, sir.

Q. When were you first employed by The Texas Company?

A. I have it here on a piece of paper. May I read it?

Trial Examiner Myers: Go ahead.

A. July 15, 1931.

Q. (By Mr. Martin) On what boat?

A. Steamship "Virginia."

Q. When did you leave that boat?

A. August 18, 1931.

Q. Why did you leave that boat?

(Testimony of James P. Blasingame.)

A. Well she tied up in New York during the depression.

Q. During the depression?

A. She tied up.

Q. Were others laid off?

A. We were laid off, the full crew. [478]

Q. The full crew laid off?

A. Except the officers.

Q. Was the boat put in dry dock?

A. No, laid up in the shipyard.

Q. Put out of commission temporarily?

A. Yes, sir.

Q. When did you next work for The Texas Company?      A. September 27, 1933.

Q. Until when?

A. Until October 18, 1933.

Q. On what boat?

A. Steamship "Virginia."

Q. Are you sure?

A. Yes, sir; second time I had been on her.

Q. When did you next work for The Texas Company?      A. November 21, 1933.

Q. Until when?

A. Until December 23, 1933.

Q. On what boat?

A. Barge by the name of "Magnolia."

Q. Texas Company barge?      A. Yes, sir.

Q. "Magnolia"?      A. Yes, sir.

Q. Why did you leave that? [479]



(Testimony of James P. Blasingame.)

A. It also tied up.

Q. Was it put in dry dock?

A. No. It was tied up to the west bank, and later transferred to New York and used for storage tank.

Q. Was it temporarily put out of commission when you left it?      A. Yes, sir.

Q. Did all the crew leave it?

A. Everybody except the captain.

Q. I believe I neglected to ask you why you left the "Virginia" the second time you were on it.

A. I got hurt on there.

Q. You got hurt?      A. Yes, sir.

Q. Then you left for medical attention?

A. Yes, sir.

Q. After leaving the "Magnolia" when did you next work for The Texas Company?

A. December 29, 1933.

Q. Until when?      A. Until April 20, 1934.

Q. On what boat?      A. "Nevada."

Q. Why did you leave that boat?

A. Quit voluntarily. [480]

Q. For purposes of your own?

A. Yes, sir.

Q. When did you next work for The Texas Company?

A. June, on or about the 30th, 1937.

Q. Until when?

A. Until September 19, 1937.

Q. On what boat?

(Testimony of James P. Blasingame.)

A. SS "California."

Q. And why did you leave that boat?

A. I got fired.

Q. Since September 19, 1937 have you worked for The Texas Company?      A. No, sir.

Q. Are you a member of the National Maritime Union?      A. Yes, sir.

Q. When did you join?

A. Well I joined the N. M. U. October 11, 1937.

Q. Are you sure it was the N. M. U. then?

A. Yes, sir. The National Maritime Union.

Q. Union?      A. Yes, sir.

Trial Examiner Myers: Did you say you were a member of the Union after you were fired?

A. Yes, sir, a member of the rank and file of the I. S. U.

Q. Did you belong to the I. S. U. first? [481]

A. Yes, sir. I always did belong to the I. S. U.

Q. (By Mr. Martin) To clarify the record, Mr. Examiner, did I understand, Mr. Blasingame, that you were once a member of the International Seamen's Union?      A. Yes, sir.

Q. Do you know about when you joined that?

A. Some time in 1934.

Q. Some time in 1934?      A. Yes, sir.

Q. And then when the so-called rank and file movement of International Seaman's Union broke away, did you go with the new group?

A. I did, called the rank and file of the I. S. U. then.



(Testimony of James P. Blasingame.)

Q. Do you know about when that was?

A. That was in October or November; October, I believe.

Q. Of 1937? A. 1936.

Trial Examiner Myers: That is what I asked you, whether it was 1937 or 1936. Were you a member of the N. M. U. at the time you were fired by The Texas Company, as you say?

A. I was a member of the rank and file of the I. S. U.

Q. Well when were you fired?

A. September, 1937.

Q. A year ago? [482] A. Yes, sir.

Q. Were you a member—

A. I was pledged member. I didn't have any book.

Q. What kind of a member.

A. A pledged member.

Trial Examiner Myers: All right.

Q. (By Mr. Martin) You were a pledged member of the N. M. U. when you were fired?

A. Yes, sir.

Q. From the "California"?

A. Yes, sir.

Mr. Williams: Mr. Examiner, I don't like to make these objections so often, but I do submit that the attorney should not testify, and then ask the witness if that is so.

Trial Examiner Myers: Don't ask so many leading questions.

(Testimony of James P. Blasingame.)

Q. (By Mr. Martin) Mr. Blasingame, when you shipped on the SS "California" and first went aboard, did you have a conversation with the mate?

A. The first man I saw was the boatswain.

Q. Did you have a conversation with the boatswain?      A. Yes, sir.

Q. Who was the boatswain?

A. Leslie Thompson.

Q. Do you remember substantially what was said in that [483] conversation?

A. Yes, sir.

Q. What did the boatswain say?

Mr. Williams: We have to interpose an objection here because clearly the boatswain is a foreman, and not an officer of the ship.

Trial Examiner Myers: That is the reason I am allowing it.

Mr. Williams: Note our exception.

Q. (By Mr. Martin) Continue, please.

A. I went aboard, and I didn't see anybody. And I went on back to the forecastle, and the crew and the boatswain were standing there; and I asked the boatswain which was a vacant bunk.

And he said: "Never mind a vacant bunk. Go up and see the mate. He is on the forecastle head."

And I said: "All right."

So I went up and saw the mate on the forecastle head, and I told him: "I am the new A. B."

And he said: "Are you an A. B.?"

(Testimony of James P. Blasingame.)

And I said: "Yes, I have been one about seven or eight years."

He said: "Can you steer?"

And I said: "Yes."

And he said: "Well, there is no A. B. job open. It [484] is a quartermaster job."

And he says: "Do you want it?"

And I said: "Yes, I will take it."

And he says: "Well, okeh then."

And I started aft to unpack, and he said: "Just a minute. I want you to understand something right now. There is no drunkenness assisting watches or union agitating aboard here. Under those conditions, all right."

And I said: "Okeh."

And I went on back and unpacked. [485]

Q. (By Mr. Martin) Was that all?

A. That was all the conversation at that time.

Q. Who was mate on the "California"?

A. Mr. Edward Baldwin was relieving the chief mate.

Q. Who was the chief mate?

A. The chief mate was on vacation, David Rosen.

Q. Was the man you referred to as mate the man with whom you had the conversation you have just related, was that Mr. Baldwin?

A. He was Mr. Baldwin.

Q. The acting chief mate?

A. The acting chief mate.

(Testimony of James P. Blasingame.)

Q. Did you have a discussion with Mr. Baldwin the following day?

A. It was the first day at sea. I don't believe it was the following day. I believe we stayed there another day. It was the first day at sea.

Q. Will you tell us nearly as you can remember what in substance was said at that conversation?

A. Well, he comes up, and he says: "Well, I guess you know that you get a station." In other words, he meant a certain part to keep clean. He says: "You have got all the brass, windows and decks and varnish work in the wheelhouse to keep up."

Q. On the wheelhouse? [486]

A. In the wheelhouse. "And just before you get into port you have got about two hours brass to shine." And he said: "You have got to do that without any time back or overtime or anything. It belongs with the job."

Q. And did you reply?

A. Well, I was hard up, and had to say, all right.

Trial Examiner Myers: At sea?

A. At sea.

Q. (By Mr. Martin) Did you say anything else?

A. No, sir, I didn't say anything more.

Q. Did you make any reference to unions?

A. No, sir, not right then. The second trip after the next trip I did.

(Testimony of James P. Blasingame.)

Q. I believe you testified that some time subsequent to the time you shipped on the "California" the chief mate Dave Rosen returned to his post as chief mate?

A. Yes, sir, that was about the second trip.

Q. And what happened to Mr. Baldwin then?

A. He goes back to second mate.

Q. Now after Mr. Baldwin went back as second mate do you remember having a conversation or a number of conversations with him?

A. Yes, sir, mighty near every night. He had the 12:00 to 4:00 watch, the same as I did.

Q. And what did you discuss in those conversations? [487]

A. Well, he was doing all the discussion, about how he ran that ship, and how they had been running it without having any union men aboard, and about a man that had been on there that had belonged to the union, and got rid of him.

Q. Did he say that?

A. Yes, sir. He mentioned one name, a man I knew, a man by the name of Charlie Morton. He told me he had to get rid of him because he was agitating union all the time.

Q. He said——

A. He said he had to get rid of him because he was agitating union all the time. He asked me what union I belonged to, and I told him I was not discussing unions.

(Testimony of James P. Blasingame.)

Q. That you were not discussing unions?

A. No union right then.

Q. You told him you were not a member of any union?

A. In a roundabout way, for if I told him that I might as well get off, and I wanted to make another trip.

Q. You told him you were not a member of a union, when you were a member of the union?

A. In a roundabout way, yes, sir.

Q. Why did you tell him a lie?

A. Well, I was informed before I went on there that the minute they found out I was a union man I got fired, no matter where it was at, up north or down south, or no matter where it was at. [488]

Mr. Van Dusen: Mr. Examiner, I move to strike.

Trial Examiner Myers: Was that the reason why he denied his union membership? Motion denied.

Q. (By Mr. Martin) Did you lie also because you were under the impression you had gained from Mr. Baldwin in your conversations with him?

A. No, sir.

Q. Did you gather from your conversations with Mr. Baldwin that Mr. Baldwin was in favor of the union?

A. He told me all the time that he didn't have any use for the union whatsoever.

Q. Was that one of the reasons why you didn't admit your membership?



(Testimony of James P. Blasingame.)

A. He told me he belonged to some union out on the west coast, and he got gypped out of about \$50.00, and he never did get nothing out of it, and he ain't never had any use for a union since.

Q. And you felt that you understood what he thought about unions?      A. Yes, sir.

Q. And that is one of the reasons you told him you were not a member of the union?

A. Yes, sir.

Trial Examiner Myers: In other words, you feared you would lose your job if he learned you were a member of the [489] union?

A. I knew it. I didn't fear it.

Q. (By Mr. Martin) In these conversations was any mention made of members of the crew then on the ship?      A. Yes, sir.

Q. Who?

A. Gordon Rosen, Arthur Spencer, Slim Clark, a fellow by the name of Myers, and another one by the name of Buster Scott.

Q. What was said?

A. And Smith. They had asked me several times where did those guys come from, and did I ever see them around the union hall, and did they ever belong to any kind of a union, and did I ever see them on strike, or how well I knew them, and all such stuff.

Q. And what did you reply?

(Testimony of James P. Blasingame.)

A. Well, I told them I knew them, but I didn't know whether they belonged to a union or not. That is all I had to tell him.

Q. Now, Mr. Blasingame, could you say exactly when any of those conversations took place?

A. Well, they were mostly at sea, some time between 12:00 and 4:00 o'clock in the morning, mostly.

Q. Between 12:00 and 4:00 o'clock in the morning? A. Yes, sir. [490]

Q. Where would they take place?

A. I would be at the wheel, and he would be standing there talking.

Q. Now he was the mate on your ship?

A. Yes, sir.

Q. What was his duty or duties?

A. Keeping a lookout there.

Trial Examiner Myers: He had charge of the ship, didn't he, during those hours?

A. Yes, sir.

Q. (By Mr. Martin) And you were the quartermaster? A. I was the quartermaster.

Q. Who told you which way to turn the wheel?

A. I was supposed to know that. The man I relieve gives me a course.

Q. What?

A. The man I relieve at 12:00 o'clock, he gives me a course, and I am supposed to know how to follow it.

Q. I see.



(Testimony of James P. Blasingame.)

Trial Examiner Myers: And when they change that course who does that?

A. The officer on watch.

Q. (By Mr. Martin) And who was that?

A. The 12:00 to 4:00 watch was Baldwin, and the 4:00 to 8:00 watch was Dave Rosen, and the 8:00 to 12:00—— [491]

Q. Baldwin spent a good deal of time up there in the pilot house while he was on watch during that time? A. Yes, sir.

Q. Did Mr. Baldwin ever use the words “rank and file”?

A. Yes, sir, quite often. That was a sort of slander they used for union men, rank and file rats.

Trial Examiner Myers: What was that?

A. Rank and file rats.

Q. (By Mr. Martin) Rank and file rats?

A. Yes, sir.

Q. Do you remember any conversation with the captain?

A. No, sir. That captain didn't talk to me but very little at that time.

Q. Now any time you were on the “California” was your work ever complimented?

A. Not work, no.

Q. Did the captain ever say anything to you that led you to believe that you were doing a good job as quartermaster?

A. Yes, sir, by never missing a watch.

(Testimony of James P. Blasingame.)

Q. Never missing a watch?

A. Yes, sir, being sober and never missing a watch.

Q. When did he say that, and where were you?

A. I was at the wheel.

Q. During what shift?           A. 12:00 to 4:00.

[492]

Q. In the daytime or night?

A. In the daytime.

Q. The captain there?           A. Yes, sir.

Q. At the wheel?

A. He was in the wheelhouse.

Q. Where you were?           A. Yes, sir.

Q. And what did the captain say?

A. That is what he said. He said: "Well, we have got a good quartermaster now. None of them miss watches." There were three.

Q. Three on the ship?

A. Three quartermasters, yes, sir.

Q. And he said: "We have three good quartermasters on the ship now"?           A. Yes, sir.

Q. And anything else?

A. That is all he said right then.

Q. Did he give the reasons why they were good quartermasters?

A. Well, they never missed any watches; always able to take the ship out.

Q. Any other reason?           A. No, sir. [493]

Trial Examiner Myers: He said something about being sober?

(Testimony of James P. Blasingame.)

A. Not being drunk, and being sober.

Q. (By Mr. Martin) Some time during your period on the "California" do you remember an ordinary seaman's joining the crew at Port Arthur?

A. Yes, sir.

Q. Do you remember his name?

A. No, I don't. I remember the ship he came off of just before that.

Q. What was that?

A. "Paco", Pennsylvania Shipping Company.

Q. "Paco"? A. P-a-c-o.

Q. Did you have a discussion with Mate Baldwin about this man? A. Yes, sir.

Q. What did Mate Baldwin say?

A. He asked me was he a rank and file.

Q. What did you say?

A. I said: "How would I know. I just only know the man a few hours."

Q. Did the mate say anything more?

A. Well, he said: "Well, if he is he won't be on this ship very long." That is all he said right then. [494]

Q. Do you remember a fireman who came aboard at Newburg, New York? A. Yes, sir.

Q. Do you know his name?

A. His name was Dan Whittenburg.

Q. Did you have a discussion with Mate Baldwin concerning this man?

A. Yes, sir. I was standing at the gangway when he came up.

(Testimony of James P. Blasingame.)

Q. You were standing at the gangway when he came up?           A. Yes, sir.

Trial Examiner Myers: When he came up?

A. Yes, sir, the new fireman.

Q. (By Mr. Martin) What did Baldwin say?

A. He was second mate then.

Q. Yes.

A. I and Spencer and the wireless operator and Baldwin were standing right there at the pump house, and he came up the gangway, which was about fifteen feet off, and the second mate made a remark: "There is a man that won't ride this ship long," because he had an N. M. U. button on the lapel of his coat.

Q. Where was the boat on or about the Sunday prior to Labor Day, 1937?

A. I believe it was anchored, to the best of my recollection, anchored in New York harbor. [495]

Q. Now, on or about that time did a discussion arise concerning overtime?

A. No, that was after Labor Day.

Q. That was after Labor day?

A. Yes, sir.

Q. Did a discussion concerning brass rails or payment for shining brass rails arise about that time also?           A. Overtime for it?

Q. Yes.

A. No, sir. That was long before that.

Q. Now, tell me what happened Tuesday after Labor Day?

(Testimony of James P. Blasingame.)

A. Well, I and Rosen were up forward taking down some wind sails, and the mate came around, Dave Rosen, and he said to me, here you have got two and a half days coming; and he told Rosen he had three days, I believe it was, and so he walked on away. So I asked Rosen: "There must be a mistake there, ain't there?" And he said: "Yes, there is a mistake, a big one." So, about that time, it was about 10:00 o'clock, coffee time, so me and Rosen, we decided to quit.

Q. Did you talk with other members of the crew?

A. Not yet. Just a minute. So, the crew said, there is no use quitting. So we decided we would see the old man, see the skipper, the captain. So they delegated us to go up and see the captain. So, I and Gordon Rosen, we went up to see him. And on the way up the chief mate hollered at us: "Where are [496] you going? Ain't you satisfied with that time?" And we didn't answer. We just kept on going, and he followed us up to the captain's quarters. And the captain was standing there, and he said: "What is the matter?" Rosen says: "Our overtime ain't right here." And the captain said: "What is the matter with it?" And Rosen says: "Well, there are ships, one on each side of us, that are paying the right overtime, and you are not." And the captain says: "Those are union ships. This is no union ship." Well, I says then:



(Testimony of James P. Blasingame.)

“We want the same thing. What we have got coming and what we are entitled to is what we want.” And the captain, in a little bit, says: “Well, I will give you four days if you will not quit.” And I said: “Well, I don’t know. I will have to go back and see the rest of the crew about it.” So we went back to see the rest of the crew, and spoke up right away and told them we got four days. And they spoke up, and they said: “No, we have got five days coming.” And we said: “All right, we will go up there and see if we can get five days.” So, the boatswain was sitting there, and he said: “If you guys stick together we will get five days.” And he said: “I will go up and tell the old man we want five days, or we will all quit.” And the boatswain was gone about ten minutes, and he comes back, and says: “The captain says to stay back here. He is going to phone Mr. J. P. Roney.” So, I don’t know whether he called Roney or not. He came back in about an hour, and he said every- [497] thing was all right. “You will get your five days. Go ahead and work.” So, we turned to and went back to work. And that is all that happened right then.

Q. Mr. Blasingame, during your period on the “California” did you attend all the union meetings?      A. Secretly, yes, sir.

Q. Of the crew?      A. Yes, sir.

Q. Were you elected delegate of the crew at any other time than the time you told us about?

A. No, sir. [498]



(Testimony of James P. Blasingame.)

Q. (By Mr. Martin) Mr. Blasingame, as the "California" went through Sabine Pass on what turned out to be the end of your stay on the "California", did you see any other boat in the Pass?

A. Just as we were coming into the Pass.

Q. You saw another boat? A. Yes, sir.

Q. What was that boat?

A. That was the "Larry Doheney". I believe it is a Richfield tanker.

Q. Did you have any discussion with Mate Baldwin concerning this boat? A. Yes, sir.

Q. What did he say? A. He says——

Mr. Williams: Did the "Larry Doheney" belong to The Texas Company?

A. No, sir.

Mr. Williams: Then I submit anything the officer said about some other ship has nothing to do with this case.

Trial Examiner Myers: Do you intend connecting this up?

Mr. Martin: This will connect up with the conversations that have already been put in.

Trial Examiner Myers: I will allow it subject to the objection. If he does not connect it up I will entertain a [499] motion to strike it out.

Q. (By Mr. Martin) What did Baldwin say with respect to that boat?

A. He said, "There is a ship—no. He said, "There is one of your rank and file ships." He said, "Don't you think this ship looks better?"

(Testimony of James P. Blasingame.)

I said, "No, it don't."

That is all that was said about that.

Mr. Williams: Now, I submit that has no place in this investigation.

Trial Examiner Myers: I will deny the motion to strike.

Mr. Williams: Note the exception.

Trial Examiner Myers: When Mr. Baldwin made the remark about "rank and file" what does that mean?

A. Well, "rank and file" means run by the rank and file.

Trial Examiner Myers: I beg your pardon.

A. A union run by individuals.

Trial Examiner Myers: You mean when he said "rank and file" he meant the Union?

A. He meant——

Trial Examiner Myers: The members of the Union?

A. He meant the members of the Union, yes, sir.

Q. (By Mr. Martin) Do you remember the date when the "California" docked at Port Arthur?

A. It docked on September, on or about the 19th, 1937. [500]

Q. At about what time did it dock?

A. Well, I would say between eight and ten.

Q. Between eight and ten?                      A. Yes.

(Testimony of James P. Blasingame.)

Q. In the morning or afternoon?

A. In the morning.

Q. Did you have a discussion with the chief mate that day?      A. Yes, sir.

Q. At about what time?

A. Well, I would say about 9:30.

Q. When you had this discussion, were you off duty?      A. I was off duty.

Q. Had you been on the midnight to four a. m. watch?      A. Yes, sir.

Q. Will you tell us where you were standing when you had this discussion with the mate?

A. I was standing by the gangway waiting for the mail to come aboard.

Q. And what did the mate say?

A. The mate came walking up to me. He said, "Blasingame, you are fired right now," he says.

Q. Did he give you any reason why you were fired?

A. It surprised me. I stood there and looked a minute. I walked over to him and said, "Mr. Mate, what is the matter? I haven't been drunk or missed any watches." [501]

He said, "Never mind. You can't ride this ship any more. Go ride one of your rank and file ships."

Then he comes back about five minutes later. He says, "Where is Spencer? What part did he play in the game"; in that strike up in New York, whatever it was.

(Testimony of James P. Blasingame.)

I said, "The same as any other members did."

And then he walks on off.

Q. Did you have any other discussion with the mate concerning that?

A. No, no more only, "Go up and get your money."

Q. He told you to go up and get your money?

A. That is the last thing he told me.

Q. Did he say, "You are fired right now"?

A. He said, "You are finished right now." He says, "Go up and get your money."

Q. Did he say, "You are finished as of the end of this voyage"?

A. No, he didn't say that. He said, "You are finished with this ship."

Q. "You are finished right now"?

A. "Right now. Go up and get your money now," he says.

Q. Did you go and get your money right then?

A. I went up there and the captain was very busy. There was some officials up there and I went on back to my room and I was going to wait a little while. [502]

Q. Now, while you were in your room, did you hear any discussion?

A. Yes, sir, the boatswain and the mate came flying through the passage way and the mate is hard of hearing and was talking loud.

Q. What mate is this?           A. Dave Rosen.

(Testimony of James P. Blasingame.)

Q. Yes, sir.

A. And the boatswain was putting up an argument that, "You are firing the only good A. B. that I got on deck," and the mate hollered back at him, "I don't give a damn." He said, "These guys aren't going to ride this ship. This ship is no union ship and they ain't going to ride it," and by that time they were gone.

Q. Was any name mentioned in this conversation?

A. Rosen; Gordon Rosen.

Q. Who said, "Gordon Rosen"?

A. The boatswain.

Q. Do you remember what he said?

A. He said, "You are firing Rosen. He is the only good A. B. I got on deck."

Q. Approximately when did you leave the boat?

A. Between eleven and twelve o'clock.

Trial Examiner Myers: In the morning?

A. In the morning. [503]

Q. (By Mr. Martin) Did you leave the boat immediately after drawing your money and getting your papers?

A. Yes, sir.

Trial Examiner Myers: Who gave you your money and who gave you your papers?

A. The captain gave me my money and discharge.

Trial Examiner Myers: Did you ask him why you were fired?

A. No, I didn't ask him. I asked the mate.



(Testimony of James P. Blasingame.)

Q. (By Mr. Martin) Did the captain volunteer or tell you any reason why you were fired?

A. No. I didn't ask him. He already had the discharge made out.

Q. How long did you see the captain before you left the ship?

A. Well, there was several of them in there paying off and I went in there and got my money and went on out.

Q. Mr. Blasingame, you said there were several people who were signing off at the time you were, did you not?

A. Not signing off. They were getting money.

Q. They were getting money?

A. You have to sign a receipt for your money; pay voucher. I don't know. If there was anything else they were signing I don't know.

Q. Now, would you say how many there were getting paid off then.

A. Approximately about six. [504]

Q. Were these men signing the shipping articles; signing off the shipping articles?

A. No, sir. I don't know much about that part of it. I believe it is a payroll. When you draw I think you sign off of it. [505]

Q. Now, were you the last man to sign?

A. No, sir, I was ahead of some of these others.

Q. There were some people after you?

A. Yes, sir.



(Testimony of James P. Blasingame.)

Q. Now, what time did you say you left the ship?

A. Between 11:00 and 12:00 some time.

Q. Now, at the time you left were any men still working?           A. Yes, sir.

Q. The men from the 8:00 a. m. to the noon shift were still working?

A. Yes, sir, I believe they had two or three day men on there. I am not sure, and the men on watch, I think they were working.

Q. Did you see any of those men in or around the captain's office when you were there signing whatever those papers were?           A. No, sir.

Q. They weren't there?

A. I don't recollect of seeing any of them. They might have been there, but I didn't pay any attention to them.

Q. Mr. Blasingame, after you left the SS "California" did you register at the N. M. U. Hall?

A. I registered with Mr. Myers on the dock first when I was [illegible] down the dock leaving the ship.

[Illegible] registered with him right then? [506]

A. Right then. Give him my phone number, address, and name.

Q. Did you have a discussion with him?

A. No. I just told him I was getting off the "California" and wanted to register and he said, "All right," and took it down in a book.

(Testimony of James P. Blasingame.)

Trial Examiner Myers: You didn't tell Mr. Myers that you were fired, did you?

A. No, sir, I didn't tell him that.

Q. (By Mr. Martin) Did you make an attempt after that to talk with Mr. Myers?

A. I waited about a month and I called him up.

Q. On the telephone?

A. On the telephone.

Q. Did you reach him?                      A. I did.

Q. What did you say?

A. I said, "Mr. Myers, this is Blasingame. I registered about a month ago. I would like to know if I am going to get called any time soon."

Just as soon as I told him my name he said, "I will call you when your time gets here," and he never did call me.

Q. He didn't call you?                      A. No.

Q. Have you seen Mr. Myers since? [507]

A. Yes, sir. About four or five months later I ran into him over there on Sixth Street and I said, "Mr. Myers, I would like to register."

He says, "All right."

He pulled out his book. He says, "What is your name?"

Just as soon as I told him my name he slammed the book together, put it in his pocket, and said, "I know you," and he went on and never did say no more.

Trial Examiner Myers: Is that Two Gun Myers?

(Testimony of James P. Blasingame.)

A. Two Gun Myers; Pistol Pete. Some call him Pistol Pete and others Two Gun.

Q. (By Mr. Martin) Mr. Blasingame, while you were on the "California" did you know on the boat a man by the name of Spencer? A. I did.

Q. Did you know his first name?

A. Arthur Spencer.

Q. Did Mr. Spencer attend union meetings?

A. Well, we didn't have no regular meetings on there, only the one where we all quit.

Q. Was Mr. Spencer to your knowledge ever elected a delegate on the boat?

A. Well, I don't know whether he was elected delegate or not, but he was spokesman.

Q. He was spokesman? [508]

A. Chairman I guess you would call it.

Q. Oh, he was chairman of some meetings?

A. Of one meeting.

Q. The one in New York?

A. The one in New York.

Q. Spencer was chairman of that meeting?

A. Yes, sir.

Q. Did he go with you and Rosen to the captain's office?

A. No, just me and Rosen was delegated to go up and see the captain.

Q. Did you see Spencer talking with any non-union members? A. Yes, sir.

Q. Did you hear any of the conversations?

(Testimony of James P. Blasingame.)

A. Yes, sir.

Q. What were the conversations about?

A. Well, he was telling about the good points that they had on the union ships. He was pointing out to them what they had to do on there; that they didn't do it on union ships, and how much better their food was.

Mr. Williams: We object to this unless it is shown that some officer of the ship was present.

Trial Examiner Myers: What position does Spencer hold?

A. He is a petty officer. He is a second pumpman.

Mr. Williams: I move to strike it out.

Trial Examiner Myers: Motion denied. [509]

Mr. Williams: Exception.

Trial Examiner Myers: It will be noted.

Mr. Williams: It is understood that the second pumpman is not an officer of the vessel.

Trial Examiner Myers: Well, he said he was a petty officer. That is the testimony so far. I don't know what that officer is.

Mr. Williams: Well, then, we object until it is shown that this man is actually an officer of the vessel.

Mr. Wright: Well, that is your worry.

Mr. Williams: You have made the statement that he is an officer of the vessel.

Mr. Van Dusen: May we ask the question at this point?

(Testimony of James P. Blasingame.)

Trial Examiner Myers: Certainly.

Q. (By Mr. Van Dusen) Mr. Blasingame, by "petty officer" you don't mean he was one of the officers in charge of the ship, do you? You don't mean Mr. Spencer was one of the officers in charge of the ship, do you?

A. He is not in charge of the ship, but he is in charge of his department.

Q. His boss is the chief engineer, isn't that correct?

A. His boss is the chief engineer.

Q. And he is one of the pumpmen working under the chief engineer, isn't he?

A. Yes, sir. [510]

Trial Examiner Myers: Well, does he give any orders?

A. To the quartermaster and to the man that is working with him.

Trial Examiner Myers: Has he got anybody working under him?

A. In port he has the quartermaster.

Trial Examiner Myers: I will abide by my ruling.

Mr. Williams: Exception.

Q. (By Mr. Martin) Mr. Blasingame, do you remember seeing this man, Spencer talk with any non-union men?

A. I do.

Q. In the presence of the captain, any of the mates, or the chief engineer?

A. Only the second assistant engineer. I can't recall his name.

(Testimony of James P. Blasingame.)

Q. You don't remember any other time? Any other officer?

A. Only the wireless operator.

Q. The wireless operator. How about the boatswain?

A. Yes, the boatswain. No mate and only one engineer.

Q. Did you hear that conversation which the engineer also heard?

A. I heard parts of it.

Q. You heard parts of it?           A. Yes.

Q. Was that about the benefits of the union?

[511]

A. Well, they were talking—the second pumpman was talking to the chief pumpman.

Q. Yes.

A. Wanted to know when and why he didn't join the N. M. U. or some union. [512]

Trial Examiner Myers: Why who didn't join the union; the N. M. U. or some union?

A. The chief pumpman. His name is Dempsey.

Mr. Williams: In order to preserve our exception we move to strike the testimony of this witness in that particular for the reason that it is not shown that the conversation occurred in the presence of any officer of the vessel.

Trial Examiner Myers: Well, what about the chief engineer? It is a conversation between the chief engineer and the assistant chief engineer.



(Testimony of James P. Blasingame.)

Mr. Williams: I understand the chief engineer is not an officer of a vessel. He is in charge of the power plant.

Trial Examiner Myers: Well, what is the purpose of this line of inquiry, anyway, Mr. Martin?

Mr. Martin: So far we have been unable to contact Mr. Spencer who is on board a boat.

Trial Examiner Myers: Do you want to show that Spencer was discharged or fired for union activities?

Mr. Martin: That is right.

Trial Examiner Myers: All right then. I will allow it on that ground and overrule your objection, Judge, and ask the reporter to please note an exception.

Q. (By Mr. Martin) Can you add anything further as to what was said in that conversation?

A. Well, that is all I heard of the argument. They were [513] arguing before I got there and that is about all the argument I heard was that one argument. It wasn't no argument. It was just a conversation, but other times Spencer has been talking to the mess boys and a couple of ordinary seamen on there.

Q. You saw him?

Trial Examiner Myers: I understand, Judge—I see you rising to make an objection—that you have an objection to this entire line of testimony; that is, any conversations that Spencer might have

(Testimony of James P. Blasingame.)

had with any of the crew, unless that member of the crew was an officer of the boat, either the captain or one of the mates, is that right?

Mr. Williams: Yes.

Trial Examiner Myers: And the same ruling and I ask the reporter to note an exception.

Q. (By Mr. Martin) Now, Mr. Blasingame, after you left the SS "California" did you register at the N. M. U. Hall? A. Yes, sir.

Q. Did you register also at the Seamen's Church Institute? A. I did.

Q. On what list or lists?

A. On the open list.

Q. On the open list? A. Yes, sir.

Q. Was it your understanding that you could register on only [514] one list at the Seamen's Church Institute? A. I knew that.

Q. You knew that? A. Yes, sir.

Q. And so you registered on only one?

A. Only one.

Q. Has your name since come to the top on either list?

A. Yes, sir, it came to the top on the N. M. U. list.

Q. It came to the top on the N. M. U. list?

A. Yes, sir.

Q. And have you had a job since?

A. Yes, sir.

Q. On what boat?

(Testimony of James P. Blasingame.)

A. On the "Atlas", Standard Oil of New York.

Q. Can you tell us about when you went on the "Atlas"? A. It was a relief trip.

Q. One trip only? A. A half a trip.

Q. A half trip only?

A. Yes. I thought it was a round trip, but it was only half of one. That was about the latter part of July, it seems to me.

Q. The latter part of July 1938?

A. 1937. No, no. I take that back. Strike that out. It was in the latter part of October, 1937.

[515]

Q. A month or so after you left the "California"? A. The "California", yes, sir.

Q. When you took that trip did you understand that it was to be a relief trip only?

A. I didn't know it until I got aboard the ship the next morning and then I was told it would probably be a relief trip; that as far as they knew right then it was a relief trip.

Q. And that is what it turned out to be for you?

A. It turned out to be a relief trip.

Q. Do you remember how much you got paid for that trip?

A. Well, it was nine days at \$3.00 a day; probably \$27.00. I think it was about four or five dollars overtime added to \$27.00. Make it about \$32.00.

Q. Did you get room and board in addition?

A. Aboard the ship?

(Testimony of James P. Blasingame.)

Q. Yes.           A. Yes, sir.

Q. After you left that boat were you at Port Arthur?           A. New York.

Q. Did you come to Port Arthur by land or water?

A. No, they put me on another ship.

Q. What ship was that?

A. That was the "Dixie Arrow", Standard Oil of New York.

Q. And how long were you aboard that ship?

[516]

A. Nine days.

Q. When you entered that ship was anything said about its being a relief trip?

A. No, it was a steady job.

Q. That was a steady job?           A. Yes.

Q. Now did you leave the vessel after nine days?

A. I did.

Q. Where did you leave it?

A. At Beaumont.

Q. At Beaumont?

A. Beaumont, yes, sir.

Q. Beaumont, Texas?           A. Yes, sir.

Q. Why did you leave that boat?

A. Well, I had tonsilitis and I got off.

Q. Did you get off to obtain medical attention?

A. Yes, sir.

Q. Have you been out on any boat since that time?           A. Yes, sir.

(Testimony of James P. Blasingame.)

Q. When did you next ship out?

A. Somewheres around the first of December, 1937. Just before Christmas some time or other.

Q. What line did you ship out on?

A. Standard Oil of New York, "Socony-Vacuum". [517]

Q. Do you remember the name of the boat?

A. "Socony-Vacuum".

Q. How long did you remain on that boat?

A. Made an 18 day trip; up there and back down here.

Q. Back to?           A. Beaumont.

Q. Is that the only trip you made on that boat?

A. Yes, sir. I went to the hospital then.

Q. You went to the hospital then?

A. Yes, sir.

Q. You got off to secure medical attention?

A. Yes, sir.

Q. And have you shipped since that time?

A. Yes, sir.

Q. When did you next ship?

A. If you will allow me to look at my papers I will tell you.

February 11.

Q. 1938?           A. 1938.

Mr. Van Dusen: I didn't get the month.

(The answer was read.)

A. On or about.

Q. (By Mr. Martin) And what was the name of that boat?           A. The "Gulfbelle". [518]

(Testimony of James P. Blasingame.)

Q. How long did you stay on it?

A. 34 days.

Q. Until? A. March 15.

Q. 1938? A. Yes, sir.

Q. Why did you get off that boat?

A. Well, it was running coastwise. It was running to Providence and it was too fast; making too short trips. It makes about 16 knots an hour and I was trying to get a ship running across.

Q. A ship running——

A. (Interrupting) Across; in foreign.

Q. Now where did you get off the “Gulfbelle”?

A. Port Arthur.

Q. Have you shipped since then?

A. No, sir.

Q. When you left the “Gulfbelle” did you register at the N. M. U. Hall? A. I did.

Q. Did you register also at the Seamen’s Institute?

A. No, sir, I don’t believe I did. I ain’t sure.

Q. Are you registered at the Seamen’s Institute now? A. No, sir.

Q. You are not? [519] A. No, sir.

Q. But you are registered at the N. M. U. Hall?

A. In Galveston.

Q. Oh, in Galveston?

A. In Galveston.

Q. Can you tell us why you didn’t register at the Seamen’s Institute in Port Arthur?



(Testimony of James P. Blasingame.)

A. Well, they got the Texas list down there and I can't ship out on The Texas Company—I don't feel like I can—and the open list, they never call anybody on there, so what is the use of registering.

[520]

Q. Now do I understand that you now live in Galveston?

A. I am registered over there looking for a ship now, yes, sir.

Q. How long have you been over there?

A. Oh, I have been over there about four months; three months.

Q. Four months?

A. Yes, four months approximately.

Q. Are you registered at the N. M. U. Hall at Galveston?

A. Yes, sir.

Q. Do they have a Seamen's Institute at Galveston?

A. They have one, but they don't do no registering there.

Q. They don't?

A. No. You ship out of the union hall. The union ships their ships. I never heard of nobody shipping over there without being a union man.

Q. Union men customarily register only at the N. M. U. Hall in Galveston?

A. Yes, sir. That is about the only ships goes in there is union ships.

Q. Have you contacted Mr. Myers since the time you spoke of? Have you met him on the street?

(Testimony of James P. Blasingame.)

A. Yes, sir, the time I seen him on the street up here was in between one of those trips there; somewheres around there.

Q. You did see him? [521]

A. I believe it was around the first of February. Somewheres around there.

Q. Of 1938? A. Yes, sir.

Q. You had a conversation with him?

A. Yes. I tried to register and he pulled out his book and asked me my name and when I told him my name he closed his book up and went on.

Q. That is the time you told us about before?

A. Yes, sir.

Q. Have you seen him since then?

A. Yes, sir, I have seen him on the streets, but I haven't talked with him.

Q. Have you tried to talk with him?

A. Yes, I have tried to, but he won't speak to me. He used to come over there to Miss Bushnell's. I have seen him there nearly every day.

Q. How much money were you earning on the SS "California"?

A. Eighty-five without overtime.

Q. Without overtime?

A. Without overtime.

Q. Would you like to go back to work for The Texas Company? A. I would.

Q. You would? A. Yes, sir. [522]

Q. Now, Mr. Blasingame, can you tell us how

(Testimony of James P. Blasingame.)

much money you received for your services on the "Atlas"?      A. About \$32.00.

Trial Examiner Myers: Have you got any record in your pocket?

A. No, sir, I ain't got no record of how much they paid.

Trial Examiner Myers: Could you supply that tomorrow? Have you got any record at home?

A. No, sir, you don't get it. You get your discharge. Your time for the trip, you don't get any money receipt.

Trial Examiner Myers: Have you any record at home of how much money you earned since you were fired by The Texas Company?

A. No.

Q. (By Mr. Martin) Can you tell us approximately how much you received for your services on the "Dixie Arrow"?

A. The "Dixie Arrow", about, I will say about twenty-three or twenty-four dollars.

Q. Total?      A. Total, yes.

Q. In addition to room and board?

A. Room and board always.

Trial Examiner Myers: Will you take out your slip that you had before that gives the dates on which you worked since you have been fired by The Texas Company? [523]

A. You mean my discharges?

Trial Examiner Myers: Maybe that will help

(Testimony of James P. Blasingame.)

you to figure out how much you earned on each trip?

A. I got nine days on the "Atlas". That is about \$27.00 and something like about \$5.00 overtime.

Q. (By Mr. Martin) And on the "Dixie Arrow"?

A. The "Dixie Arrow" is from October 12 to October 21. That is nine days.

Q. About the same rate of pay?

A. No, sir. \$80.00.

Mr. Van Dusen: How much?

A. \$80.00.

Q. (By Mr. Martin) 80? A. Yes, sir.

Trial Examiner Myers: That is the rate of \$80.00 per month, is that what you mean?

A. Yes, sir. That is around \$23.00, isn't it? And probably \$4.00 overtime.

Mr. Van Dusen: How much overtime?

A. Probably \$4.00.

Q. (By Mr. Martin) And subsistence?

A. Board and room.

Q. Board and room in addition?

A. In addition.

Q. Then on the "Socony-Vacuum?" [524]

A. On the "Socony-Vacuum" from November 27 to December 13, which would be 16 days.

Q. At the rate of how much a month?

A. \$80.00 and overtime.

Q. Plus room and board?

(Testimony of James P. Blasingame.)

A. Plus room and board.

Mr. Van Dusen: Plus overtime, did you say?

A. Plus overtime.

Trial Examiner Myers: About how much overtime did you make on the "Socony-Vacuum"?

A. Oh, I would say there was about \$6.00.

Q. (By Mr. Martin) How about the "Gulfbelle"?

A. The "Gulfbelle", I was on there from January 14 to March 17.

Q. At the rate of how much a month?

A. \$90.00.

Q. \$90.00 per month? A. And overtime.

Q. Plus overtime? A. Plus overtime.

Q. Plus room and board?

A. Room and board and overtime.

Trial Examiner Myers: How much overtime did you make on the "Gulfbelle"?

A. On the average of \$10.00 every trip; 15 day trip. [525]

Mr. Van Dusen: \$10.00 each trip?

A. \$10.00 each trip; that is, 15 days.

Trial Examiner Myers: Did you make two trips?

A. No, sir, more than that.

Q. How many trips did you make in that time?

A. I got four trips.

Trial Examiner Myers: And you made about \$40.00 overtime?

A. All together, yes, sir.

(Testimony of James P. Blasingame.)

Mr. Van Dusen: \$40.00 overtime?

A. On that ship.

Mr. Martin: Your witness, Mr. Van Dusen.

Trial Examiner Myers: Well, it is 5:30 now and I think we ought to quit and recess until tomorrow at 9:00 o'clock.

(Whereupon, at 5:30 o'clock p. m., September 14, 1938, the hearing was adjourned to 9:00 o'clock a. m., September 15, 1938. [526])

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### Proceedings

Trial Examiner Myers: Are you ready to proceed, gentlemen?

Mr. Martin: Yes, sir.

Mr. Van Dusen: Yes, sir.

### JAMES P. BLASINGAME

resumed the stand and testified further as follows:

#### Cross Examination

Q. (By Mr. Van Dusen) Mr. Blasingame, you have been on the sea for approximately ten years, haven't you? A. About ten years.

Q. And you were an A. B. for about seven years? A. Approximately seven years.

Q. The first time you were on a Texas ship was about July 15, 1931, when you were on the SS "Virginia", isn't that correct? A. Yes, sir.

Q. That is what you said yesterday, I believe?

A. That is right.



(Testimony of James P. Blasingame.)

Q. Prior to that time were you on the ships of any other companies? A. Yes, sir.

Q. Do you recall what companies?

A. Gulf Company.

Q. Gulf Company? [528] A. Yes, sir.

Q. Any other company? A. Standard Oil.

Q. Standard Oil?

A. Yes, sir; Atlantic Refinery.

Q. Atlantic Refining Company?

A. Yes, sir.

Q. Any others?

A. And then the Texas ship.

Q. Then the Texas ship? A. Yes, sir.

Q. Now I believe you testified that you left the SS "Virginia" on August 18, 1931, when the boat was tied up in New York in the New York Shipyard. That is correct, is it not?

A. That is correct.

Q. Now it was approximately two years, I believe, before you went back on a Texas ship, isn't that so? You can look at your record.

A. Approximately two years.

Q. Were you on the ships of any other companies during that period of time?

A. Between those two ships?

Q. Yes. A. Yes, sir.

Q. Ships of what other companies? [529]

A. I just mentioned them.

Q. You mean for that period?

A. In between.

(Testimony of James P. Blasingame.)

Q. I see. Well now the companies you name constitute all the companies on whose ships you were employed, is that what you mean?

A. To the best of my remembrance.

Q. Both before you were on the "Virginia" the first time and in this two year period?

A. After I got off the "Virginia" up until I joined the "Virginia" again I was on these three different companies.

Q. Now before you were on the "Virginia" the first time you were on the ships of other companies, were you not?      A. I was.

Q. What companies?

A. Standard Oil, Lykes Bros., Gulf Company, Sabine Towing Company. That is all I remember now.

Q. Then you undoubtedly went from one ship of these companies to another ship, or were you on just one ship for those companies, do you remember?

A. I went from one ship to another with the same company, Standard Oil.

Q. Now you left the SS "Virginia" the second time about October 18, 1933, to get some medical attention, isn't that correct? [530]

A. That is right.

Q. And you were out about one month. Were you being treated medically during that one month, or were you on another ship?

A. No, I was treated.

(Testimony of James P. Blasingame.)

Q. Being treated that month?

A. Yes, sir.

Q. On any other ship?

A. Not on any other ship. I was ashore.

Trial Examiner Myers: Were you sick the entire month?

A. Well, I couldn't pass the doctor. You have to pass the doctor before you go on the ship.

Q. You couldn't get the medical certificate until the end of the month?

A. About a month, a month and three days.

Q. (By Mr. Van Dusen) Then you were employed on the barge "Magnolia"?

A. That is right.

Q. Where was that barge located?

A. Down here at Port Arthur, Texas terminal.

Q. Now you left that barge just before Christmas, 1933, when the barge was transferred to New York. That is right, isn't it?

A. It was later transferred to New York after I got off.

Q. Why did you say you left that barge?

A. She was tied up to the west bank. They laid the whole [531] crew off except the captain.

Q. Then about six days later, December 29, you went on the SS "Nevada"?

A. That is right.

Q. And you quit the vessel on April 20, 1934?

A. Yes, sir.

(Testimony of James P. Blasingame.)

Q. You quit of your own accord, did you not?

A. Yes, sir.

Q. Now there is about three years between the time you quit the "Nevada" and the time you went on the SS "California", isn't that right?

A. Approximately three years.

Q. Were you on vessels of any other companies during that period of time?

A. Yes. Let's see, yes, sir, I was on ships.

Q. Will you name the companies, please, or the ships?

A. Atlantic Refinery. That is about the only one, I believe.

Q. You were on the Atlantic Refining Company ships those three years?

A. Yes, sir, about that.

Q. Was it one ship or more than one ship?

A. More than one ship.

Q. Can you name some of the ships?

A. "Bohemia Club", "Tustun", "W. M. Burton", "Frances E. [532] Powell". I believe that is all.

Q. What is that?

A. I believe that is all.

Q. Was that continuous; you were on those ships continuously, without any breaks at all, or did you quit at some time or other?

A. I was making relief trips. I was relieving a man on the majority of them.

Q. You were relieving a man?

(Testimony of James P. Blasingame.)

A. Yes, sir.

Q. Now what was the last ship you were on before you joined the SS "California"?

A. "William Irish."

Q. What was the date you left that ship?

A. I don't remember. I can look it up.

Q. Have you got it with you?

A. Yes, sir. No, I haven't got it with me.

Q. Was it very long before you joined the SS "California"?

A. Approximately a month.

Q. About a month?           A. Yes, sir.

Q. Why did you leave the Atlantic Refining Company ship?

A. Called off. I had to go home. My mother was sick.

Q. I see. Where does your mother live?

A. Houston? [533]

Q. Houston, Texas?           A. Yes, sir.

Q. Did you say you got on The Texas Company through any particular listing or registration agency? How did you get on The Texas Company ship, The Texas Company ship SS "California"?

A. I was hired by Mr. Meyers.

Q. You went over to see Mr. Meyers?

A. I ran into him on Sixth Street, and I asked him for a job.

Q. You know Mr. Meyers?

A. I know him when I see him.

Q. Did you know him before you joined the SS "California"?



(Testimony of James P. Blasingame.)

A. I knew him when I saw him.

Q. And you asked him for a job on the SS "California"? A. Yes, sir.

Q. How long was it after you asked him that he gave you a job? A. About 24 hours.

Q. About 24 hours? A. Yes, sir.

Q. Now you joined the SS "California" on June 30, 1937? A. Yes, sir.

Q. Isn't that correct? A. Yes, sir. [534]

Q. And you signed the usual shipping articles that you sign on trips of that character?

A. Yes, sir, the next day, at sea.

Q. And you left that vessel on September 21, 1937, isn't that correct?

A. September, about the 19th. [535]

Q. About September 21 or September 19?

A. Nineteen.

Q. Now, Mr. Rosen was on the "California" during all that time was he not?

A. Yes, sir.

Q. And you signed the same articles that Mr. Rosen signed, did you not? A. Yes, sir.

Mr. Van Dusen: May I have these Exhibits 1 to 5, Mr. Reporter.

Q. I show you Respondent's Exhibit No. 1, which is a contract of his shipping articles dated Port Arthur, June 29, 1937, and ask you if you signed those shipping articles?

A. Yes, sir, I signed them.



(Testimony of James P. Blasingame.)

Q. I show you Respondent's Exhibit No. 2, shipping articles dated Port Arthur, July 17, 1937, and ask you if you signed those shipping articles?

A. Yes, sir.

Q. I show you Respondent's Exhibit No. 3, shipping articles dated Port Arthur, August, 1937, and ask you if you signed those shipping articles?

A. Yes, sir.

Q. I show you Respondent's Exhibit No. 4, shipping articles dated Port Arthur, August 21, 1937, and ask you whether you signed those shipping articles? [536]

A. Yes, sir.

Q. Now, those are the shipping articles covering your trip on the SS "California" during the period of time just mentioned, isn't that correct?

A. Yes, sir.

Q. Now, each time you signed new shipping articles, and after the first shipping articles, you were paid off, weren't you?

A. I was paid for the trip, yes, sir.

Q. Paid for the trip? A. Yes, sir.

Q. And on September 19 or 18, approximately that date, when you left the ship you were paid off and given a certificate of discharge, isn't that correct; when you left the "California" in September, 1937, you were given a certificate of discharge, were you not?

A. Yes, sir.

Q. Have you got that with you, Mr. Blasingame?

A. I have.

(The witness produced the certificate.)

(Testimony of James P. Blasingame.)

Q. Now, this certificate of discharge is dated September 19, 1937, is that correct?

A. Yes, sir.

Q. It is signed by Captain Peterson, is it not?

A. I couldn't say. I didn't see him sign it. [537]

Q. Do you know whether that is his signature?

A. It looks——

Trial Examiner Myers: Do you believe it is Captain Peterson's signature?

A. I believe it is.

Q. (By Mr. Van Dusen) Signed by you, Mr. Blasingame? A. Yes, sir.

Mr. Van Dusen: I offer the certificate of discharge in evidence.

Trial Examiner Myers: Any objection?

Mr. Wright: With this statement. We have no exception. These discharges are pretty important to seamen, and I would like either to have the respondent photostat them or take copies and put them in the record, and let this man have the discharge back, because they are important.

Mr. Van Dusen: We will do the same with this as we did with the other certificates.

Mr. Wright: That is all right.

Mr. Van Dusen: We will photostat them as soon as possible, and let them have back the original.

Mr. Wright: All right.

Mr. Martin: No objection.

Trial Examiner Myers: There being no objection, I ask the reporter to please mark the certificate

(Testimony of James P. Blasingame.)

in evidence as Respondent's Exhibit No. 9. The respondent may substitute a photostat in place of the original. [538]

(The document referred was marked Respondent's Exhibit No. 9" for identification, and received in evidence.)

Q. (By Mr. Van Dusen) Mr. Blasingame, were you ever discharged, were you ever what you call fired from any vessel of any company?

A. Yes, sir.

Q. I mean other than the "California"?

A. Yes, sir.

Q. What ships? A. Lykes Bros.

Q. Do you know the name of the ship?

A. West Cresey.

Q. What was the approximate date?

A. About September, 1930.

Q. 1930? A. Yes, sir.

Q. What was the reason for the discharge?

A. Well, it is a long story.

Q. Well——

A. I was watchman, and the mate's orders were not to let anybody in the messroom to eat. I didn't see anybody come aboard myself, and he found a man back there eating breakfast, and I was responsible for it. I didn't see the man come aboard. That is the only time.

Q. Who fired you on that vessel? [539]

(Testimony of James P. Blasingame.)

A. The master I guess.

Q. The master?

A. The mate jumped me, but I guess the captain was really the one that fired me.

Q. What reason did he give?

A. For letting the man get aboard.

Q. Were you ever employed on Lykes Bros. ships since that time?     A. Yes, sir.

Q. About when?     A. About 1930.

Q. That same year?

A. I believe it was the same year, yes, sir.

Q. Do you know the vessel?

A. The "Elmsport".

Q. Were you ever fired from any other vessel?

A. No, sir, not to my recollection.

Trial Examiner Myers: Except the "California"?     A. Except the "California".

Mr. Van Dusen: Well, I meant to exclude that. I am not trying to mislead the witness.

Q. Now, Mr. Blasingame, I believe you testified yesterday that you joined the N. M. U. on October 11, 1937?

A. I took out a new book then, but I have been an N. M. U., rank and file, strike clearance, since October, 1936. [540]

Q. But you said yesterday that you actually joined the N. M. U. on October 11, 1937. Isn't that what you said yesterday?

A. I took out a book then.

(Testimony of James P. Blasingame.)

Q. What did you do when you joined the N. M. U?

Mr. Wright: Mr. Examiner, I am going to object for two reasons. One is that it is immaterial and irrelevant, and the other is that the constitution is in evidence, and it will speak for itself.

Trial Examiner Myers: Will you read Mr. Wright's objection?

(The objection was read by the reporter.)

Mr. Van Dusen: I don't think it is immaterial. I think it is very important. They are claiming that he was discharged for union activity. I think it is essential to know how active he was in union matters.

Mr. Wright: That is a different question, Mr. Examiner: If you want to ask that question I have no objection.

Mr. Van Dusen: No, I said, what did he do.

Mr. Wright: I object to that. If you want to find out about union activity, all right.

Trial Examiner Myers: I sustain the objection.

Mr. Van Dusen: Exception.

Q. Now, you testified yesterday, Mr. Blasingame, that when you signed up on the SS "California" you were pledged to the [541] N. M. U.?

A. Yes, sir.

Q. Is that correct?                      A. Yes, sir.

Q. What do you mean by that, Mr. Blasingame?

Mr. Wright: Mr. Examiner, I think I will ob-

(Testimony of James P. Blasingame.)

ject to this for the same reason, for it is a round-about way of getting to the same point.

Trial Examiner Myers: Overruled.

A. Well, I had a clearance from the N. M. U.

Q. (By Mr. Van Dusen) I don't get that?

A. I had a clearance from the N. M. U.

Q. What do you mean by clearance?

A. Record as being a union man and supporting the N. M. U., and picket card through the strike.

[542]

Q. Had you signed any papers to join the N. M. U.?      A. Yes, sir.

Q. What papers?

Mr. Wright: Mr. Examiner, I object to this for the two reasons I objected to the rest of the testimony.

Trial Examiner Myers: I sustain that objection.

Mr. Van Dusen: I am trying to find out what he meant by pledged.

Trial Examiner Myers: That is all right, but what papers did he sign in order to become a union member is immaterial. I will allow certain questions along that line, but I will not allow you to delve into mysticisms of the Union.

Q. (Mr. Van Dusen) Will you explain what you mean by pledged to the N. M. U.

Mr. Wright: I object because it is repetitious.

Mr. Van Dusen: He has not answered.

Trial Examiner Myers: Overruled.



(Testimony of James P. Blasingame.)

A. What was the question again please, sir.

Trial Examiner Myers: You told us yesterday you were pledged to the Union at the time you became a member of the crew of the "California". Now, what did you mean by that? Explain it in your own words.

A. Well, they gave me a clearance card.

Q. Let's take it step by step. You were a member of the I. S. U. at one time? [543]

A. We were all members of the I. S. U.

Q. How did you become a member of the N. M. U.?

A. Well, we broke away from the I. S. U. by calling ourselves the rank and file of the I. S. U.

Q. And you became——

A. Automatically became a member of the N. M. U.

Q. What we would like to know as quickly as possible is what did you mean by being pledged to the N. M. U.?

A. To support the new officials of the rank and file movement.

Q. (By Mr. Van Dusen) Do you mean that you had decided to join the N. M. U., is that what you mean?

A. I had decided to support them as a probationary member.

Q. And you did not actually join until after you left the "California".

(Testimony of James P. Blasingame.)

A. I taken out a new book.

Q. What is that?

A. A new book. I took it out after I came off the "California".

Q. Did you have a book before you went on the "California".

A. Didn't have the new book.

Q. Did you have any book in the N. M. U.?

A. I had a back clearance, which was classified as the Union then.

Q. But you had no book such as what you have in your hands? [544]

A. I didn't have this one.

Q. That is your membership book?

A. Now, yes, sir.

Mr. Wright: Off the record. I think I can explain that for Mr. Van Dusen.

Trial Examiner Myers: Will you explain that for the record.

Mr. Van Dusen: I don't want him to testify.

Trial Examiner Myers: You don't want him to state it in the presence of the witness?

Mr. Van Dusen: I would prefer that he not state it in the presence of the witness.

Trial Examiner Myers: Let's see what he has to say on the record.

Mr. Van Dusen: I would like to hear what Mr. Wright has to say, but I would rather the witness would not hear it.

(Testimony of James P. Blasingame.)

Trial Examiner Myers: Suppose you gentlemen leave the room and see if we can get a stipulation.

(Counsel then retired from the hearing room.)

Q. (By Mr. Van Dusen) Mr. Blasingame, what you mean when you say pledged to the N. M. U. is that at the time you were on the "California" you were a member of the rank and file group of the N. M. U., is that right?

A. Well, I went up for a book before I went on the "California".

Q. What date was that, about? [545]

A. Well, I would say a month before that, about a month before that.

Q. About a month before you went on the "California"?

A. The agent was not in and I couldn't get the book.

Q. And you got what they call a clearance card?

A. No, I had that.

Q. When did you get the clearance card?

A. Right after the strike, sometime.

Q. About when was that, do you remember?

A. Well, I don't know.

Q. Was it in the year, 1937 or 1936?

A. 1937.

Q. And prior to that time you were a member of the I. S. U., is that correct?

A. I was a member of the I. S. U. before 1936, before then.

(Testimony of James P. Blasingame.)

Q. When did you break away from the I. S. U.?

A. About the first part of October, November.

Q. What year? A. 1936.

Q. 1936? A. Yes, sir.

Q. And then you became a member of the rank and file group, is that what you mean, or was it later.

A. I became a member of the rank and file when the strike started. [546]

Q. In the early part of 1937?

A. Latter part of 1936.

Q. Latter part of 1936? A. Yes, sir.

Mr. Wright: May I ask one question?

Mr. Van Dusen: Yes.

Q. (By Mr. Wright) During the time you were on the "California", did you have an I. S. U. rank and file book?

A. I had it but it was not any good.

Q. You had it? A. Yes, sir.

Mr. Wright: That is all. [547]

Q. Mr. Blasingame, I believe you testified that when you went on the "California" the first man you saw was the boatswain, Leslie Thomas?

A. That is the first man I talked to.

Q. And he sent you to the mate so that you might know what duties you were to perform, is that correct? A. That is correct.

Q. Now the mate at that time was Mr. Baldwin?

A. Mr. Baldwin, yes, sir.

(Testimony of James P. Blasingame.)

Q. And he told you in general terms what he expected of you, did he not?

A. First he told me what job was open. I shipped by Mr. Myers as an A. B. and when I got down there it was a quartermaster's job.

Q. Now you don't remember everything that was said at that time? I mean the exact words?

A. Well I remember everything that was said. I know what he said.

Q. What did he say?

A. He said, "Are you an A. B.?"

I said, "Yes, sir. I have been an A. B. approximately ten years," or something like that.

Trial Examiner Myers: Can you talk a little louder?

A. "I have been an A. B. approximately ten years more or less." [547A]

He said, "Well can you steer?"

I said, "Sure I can steer."

He said, "Well there is no A. B. job open. It is a quartermaster's job being called."

I said, "Well I guess I will take it."

Q. (By Mr. Van Dusen) Is that all that was said?

A. No, that ain't all that was said yet.

Q. What else was said?

A. He said, "Okeh," and then I started to go back aft.

Q. What is that?

A. He said, "Okeh," then and I said, "Okeh," too and I started to go aft and he said, "Wait a

(Testimony of James P. Blasingame.)  
minute. I want to tell you something." He said, "There are a few things we don't stand for on here. That is, getting drunk, missing watches and agitating Union to the crew back there." He said, "Everything else will be all right if you live up to it, but the minute you start out you are finished."

In those words.

Q. Now who was your immediate superior when you were quartermaster?

A. You mean on watch?

Q. Well, yes, on watch. The boatswain?

A. The second mate.

Q. The second mate?           A. Yes, sir. [548]

Q. And above him was the first mate?

A. The chief mate, yes, sir.

Q. Who was the second mate at the time you got on?

A. A fellow by the name of—he was relieving second mate.

Q. Who was that?

A. A fellow by the name of Carlson.

Q. And who was the first mate?

A. Baldwin.

Q. Was he there at the time?

A. What do you mean? Aboard ship?

Q. Yes.

A. He was the man I had the conversation with.

Q. You say he was relieving Rosen, was he not?

A. Rosen.



(Testimony of James P. Blasingame.)

Q. Now at the time you had this conversation with Mr. Baldwin he didn't ask you if you were a member of any union, did he?

A. Not directly right then, no, sir. I don't recollect him saying it. I didn't hear him if he said it. I don't believe he did.

Q. You testified yesterday that you didn't tell anybody that you were a member of a union, is that correct?

A. Sure.

Q. You wanted to keep it a secret, is that so?

A. Well, I don't know whether he asked me or not. If he [549] asked me I never answered him.

Q. Well you didn't tell him?

A. No, sir.

Q. Did anybody else tell him that you were a member of a union?

A. Not that I know of.

Q. You tried to keep it a secret, did you not?

A. I did.

Q. Now I believe you testified that Mr. Baldwin was on the same watch as you when you first got on the "California", is that right?

A. No, sir. He was chief mate. I was on the second mate's watch at sea.

Q. Didn't you say you talked to him nearly every night on your watch?

A. Well when he went back to second mate.

Q. You mean when Rosen got aboard?

A. When Rosen came back, he went back to second mate.

Q. Well how long was it before Rosen came back?

(Testimony of James P. Blasingame.)

A. I guess it was about a trip and a half.

Q. Well during the first trip you didn't have these talks every night with Mr. Baldwin?

A. No, sir, not night time.

Q. Well, you testified yesterday that nearly every night while you were on watch you had talks with Mr. Baldwin. [550] Now, you don't mean during the first trip?

A. No, sir, not night time. He was the four to eight the first trip.

Q. Then it was the second trip?

A. Well I don't remember exactly when he went back to second mate, but it was about a trip and a half.

Q. And about that time he was put on your watch and you had the talks with him every night?

A. Yes, sir, approximately every night.

Q. About how long did these talks last?

A. Well, off and on for four hours.

Q. Four hours?      A. Off and on.

Q. Well, you were together, were you not, on that watch?      A. We were together.

Q. And quite naturally you would discuss a lot of things, would you not?

A. Yes, sir. Mostly him though.

Q. Mostly what?      A. Mostly him.

Q. You mean he talked more than you?

A. Oh, yes.

Q. Well, you are a quiet man, aren't you, Mr. Blasingame?

(Testimony of James P. Blasingame.)

A. Well, I haven't a habit at sea of talking to mates very much. [551]

Q. Well, were you two friendly?

A. Oh, yes.

Q. Well, you got along well together?

A. For a while.

Q. I mean when you had these talks?

A. Oh, yes, sir. Everything was all right then.

Q. You were pretty friendly?

A. Not too friendly, but talking to him.

Q. You mean you didn't like him when he first came on your watch?

A. I didn't love him. I got along with him.

Q. Did you have any reason for not liking him?

A. Yes, sir.

Q. What?

A. Well, he came along after the ship sailed and give me a lot of work that I didn't think I was entitled to do. I put in an extra hour every day cleaning the wheel house up and about four or more hours before we got in port shining brass and such things as that.

Q. Did he make other people work?

A. Yes, the quartermasters, they all had stations.

Q. I mean, did he make them work?

A. Yes, sir.

Q. He made everybody work?

A. Yes, sir. But I had a lot more than any of them. [552]

Q. He was a tough boss then?

(Testimony of James P. Blasingame.)

A. Well, the last man gets the dirty part of it. They had been on there for a while. [553]

Q. How about the other ships you were on? Did any of your second mates make you work hard?

A. Well it all the time wasn't the second mate.

Q. Well whoever was your immediate superior.

A. No, sir.

Q. Would you say Baldwin was the toughest boss you ever had?

A. He was about the toughest one, yes.

Q. Was he a good second mate?

A. I couldn't answer that question. I don't know whether he is a good second mate or a plow hand or what he is.

Q. Now did you say that later on you were on the same watch with Rosen? A. No, sir.

Q. The 4:00 to 8:00 watch? A. Baldwin.

Q. I mean later.

A. I never was on watch with Rosen.

Q. Now you testified, Mr. Blasingame, about an overtime grievance that you and other members of the crew had at that time, didn't you, after Labor Day, 1937? A. Yes, sir.

Q. And you testified that you and Rosen were selected by certain members of the crew to see the captain about it? A. We were. [554]

Q. The captain talked to you about it, did he not? A. Yes, sir.

Q. And after a while he gave you exactly what you wanted, didn't he?

(Testimony of James P. Blasingame.)

A. Not me. He gave the crew what we were asking for.

Q. What?

A. Not only me, but he gave the crew what we were asking for. I don't know whether he gave it to us, but we got it. Somebody gave it to us.

Q. Now at the time you and Rosen went up to see the captain did you tell him that you were a union man or that you were pledged to the N. M. U.?      A. He never asked it.

Q. And you didn't tell him then?

A. No. I guess he knew it. He probably knew it.

Q. You didn't tell him though?

A. I don't remember of telling him.

Q. Did you tell anybody to tell him?

A. What?

Q. Did you tell anybody to tell him?

A. Yes, sir, I believe it was brought up later in the conversation, but not the first part of it.

Q. Maybe you don't understand me.

A. Maybe I don't.

Q. Did you tell the captain that you were pledged to the [555] N. M. U. or that you were a member of the rank and file of the I. S. U.?

A. The best I can recollect, we told him we were union men.

Q. You did?      A. Yes, sir.

Q. Didn't you testify yesterday that you kept it a secret?

(Testimony of James P. Blasingame.)

A. This is the end of the voyage. At the first part of the voyage it was kept a secret.

Q. You say Labor Day was the end of the voyage? A. Practically the end of it.

Q. Near the end of it, only about two more weeks of it? A. No, sir, about ten days.

Q. And you told him you were a union man?

A. Well Gordon Rosen told him there was a union ship over there and one over here and that we were entitled to it. And the captain said, "Well, those are union ships and this is not," and the best of my recollection, Gordon told him that we were union men too.

Q. Told him that you were union men?

A. Yes, sir, and Captain Peterson told him again that this was no union ship.

Q. Did you tell him you were union men?

A. I didn't myself. Gordon was speaking. [556]

Q. And he said that you were a union man?

A. That we were union men.

Q. Then it was not a secret after that, was it?

A. No, sir.

Q. You said that you attended meetings of the crew aboard the ship, did you not, Mr. Blasingame?

A. Secret meetings, yes, sir. That was before that.

Q. What is that?

A. That is before this happened.

Q. You had no meetings after Labor Day?



(Testimony of James P. Blasingame.)

A. Well, just call a meeting if we wanted to, but it was just——

Q. Did you attend any meetings after Labor Day?      A. Secretly, yes, sir.

Q. Well, secretly after——

A. (Interrupting) Well, there wasn't no minutes kept or nothing like that. We just got together and talked about it.

Q. Then you did attend meetings?

A. Yes, sir.

Q. Now you had no trouble seeing Captain Peterson any time you had any grievance or a complaint, did you?

A. Well, that is the only time——

Q. (Interrupting) That is the only time?

A. With the captain.

Q. What is that? [557]

A. That is the only time with the captain, yes, sir.

Q. I see. Now when the "California" docked at Port Arthur on September 19, 1937, between 8:00 and 10:00 in the morning you said that you talked to the chief mate standing by the gangway, did you not?      A. I did.

Q. Was anybody present at that time in addition to you and the chief mate?

A. The wireless operator. There was quite a few standing around there. I don't know exactly.

Q. The wireless operator. Anybody else?

(Testimony of James P. Blasingame.)

A. I believe the chief pumpman was standing there.

Q. You mean the first pumpman?

A. The first pumpman.

Q. Anybody else?

A. There was quite a few there but I can't recollect all of them. They were all over the deck.

Q. I mean right close by. Just the wireless operator and the second pumpman?

A. I believe that was all right there at me. Maybe it was. I don't know.

Q. Well, those are the two you remember?

A. Yes, I remember those two.

Q. Now the chief mate then was Rosen; Dave Rosen? A. Dave Rosen. [558]

Q. And he is the man you say told you you were fired? A. Yes, sir.

Q. You say you left the boat between 11:00 and 12:00 o'clock that day, is that right.

A. The best of my remembrance it was somewhere between 11:00 and 12:00.

Q. Now after you talked with Rosen, the chief mate, where did you go?

A. At that time?

Q. Yes, after you talked with him at the gangway? A. I went to my room.

Q. What did you do in your room?

A. Well, I was standing there reading some mail in my door, which is up on deck.

Q. Yes, and what happened?

(Testimony of James P. Blasingame.)

A. Well, in a few minutes the chief mate and the boatswain came along.

Q. That is Rosen who was the chief mate, and who was the boatswain?      A. Leslie Thompson.

Q. Yes. Go ahead.

A. They came through there and the boatswain was arguing with him.

Q. Outside your door?

A. Right by my door. [559]

Q. Standing there?

A. No, they were passing by.

Q. Oh, just passing by?      A. Yes.

Q. What was said?

A. The mate is hard of hearing and the boatswain was talking loud.

Q. The mate is hard of hearing?

A. Yes. The boatswain was arguing, "you are firing my best man on deck which is Gordon Rosen."

Q. Which is what?

A. "Which is Gordon Rosen."

Q. Yes.

A. The mate said, "I don't give a God damn. I ain't going to have those guys on here," he says, those union men on this ship," and they passed out of my hearing about that time.

Q. Now I believe you testified that when you left the "California" that that day or within a few days after you went over to the N. M. U. Hall to register, is that right?

(Testimony of James P. Blasingame.)

A. Yes, sir. Now that is quite a while ago. I am pretty sure I did.

Q. Well, in any event, you went over there to get your N. M. U. membership book, didn't you?

A. I did. [560]

Q. Because you got that, didn't you, on October 11, 1937?      A. Yes, sir.

Q. Which was two or three weeks after you got off the ship, isn't that right?

A. I believe it was. [561]

Q. Now, at that time did you make any complaint about your having been discharged from the SS "California"?      A. To who do you mean?

Q. I mean at the time that you went to the N. M. U. office. I mean did you tell them that you left the ship?

A. I told them I got fired. I didn't tell them I left it. I talked to the agent.

Q. Now, when did you first file a complaint with the Labor Board or make complaint to the Labor Board?

Mr. Wright: If he knows.

Q. (By Mr. Van Dusen) If you know?

A. I don't remember the date.

Q. Do you remember?      A. No.

Q. Did you ask anybody to file a complaint for you?

A. No, sir. Between ourselves we were going to do it first——

Q. (Interrupting) What is that?

(Testimony of James P. Blasingame.)

A. No, sir, I didn't ask nobody to file no complaint for me.

Q. You haven't asked the Labor Board or anybody to file a complaint for you in this case?

A. No, sir, not directly. We were to do it I believe the first time——

Q. (Interrupting) What did you say?

A. Our intention was to do it all the time.

Q. Your intention was what? [562]

A. To file our cases.

Q. What do you mean by "all the time"?

A. Well, the first chance we got. I believe the N. M. U. agent was taking care of that for us.

Q. Well, now, at the time you went to the N. M. U. office to get your membership book and told them you were fired did you tell them to file a complaint against The Texas Company?

Mr. Wright: Mr. Examiner, I object to the immateriality of the question.

Mr. Van Dusen: Oh, this is not immaterial.

Mr. Wright: It makes no difference how he did it. He did it.

Trial Examiner Myers: Well, there is a complaint on file now. What difference does it make whether he told them then or later on.

Mr. Van Dusen: Well, there is approximately a year involved and I think there is a question of laches and a question of intention and motive.

Trial Examiner Myers: Well, I will sustain the objection.



(Testimony of James P. Blasingame.)

Mr. Van Dusen: Well, I must except to that. Do I take it, Mr. Examiner, from your ruling that I can't inquire at all as to when and how these charges were filed?

Trial Examiner Myers: Well, I will rule on each and every question as we go along.

Mr. Van Dusen: Well, at this point I would like to ask [563] Mr. Martin to make the same stipulation as he did in the previous case.

Mr. Martin: We are willing to do that, Mr. Van Dusen.

Let the record show that I have been requested by counsel for the respondent to state for the record when the fact that James P. Blasingame was discharged from the ship SS "California" on September 19 or thereabouts 1937, was first brought to the attention of the Sixteenth Regional Office of the National Labor Relations Board.

The file reveals that Mr. Blasingame first brought that fact to the attention of the Sixteenth Regional Office in a handwritten letter received June 24, 1938.

Let the record show furthermore that on July 25, 1938, the Sixteenth Regional Office received, and stamped as of that date, a letter from L. C. Ames, representative, National Maritime Union of America, Port Arthur Branch, which, among other things, requested that charges already on file in the Sixteenth Regional Office be amended to include the names of Mr. Blasingame and Mr. Arthur Spencer.



(Testimony of James P. Blasingame.)

Let the record show furthermore that the first formal charge involving the discharge of James P. Blasingame and Arthur Spencer is stamped received at the Sixteenth Regional Office on August 4, 1938. [564]

Mr. Van Dusen: Mr. Examiner, inasmuch as the statement made by counsel for the Labor Board shows that no complaint was filed with the Board for approximately nine months after this witness claims he was discharged, I would now like to ask this witness a series of questions for the purpose of showing two things, one, laches; and, two, the genuineness of the complaint. May I ask those questions?

Trial Examiner Myers: Certainly.

Mr. Martin: Mr. Examiner——

Mr. Van Dusen: I would like to change two, to the fact that the complaint is not genuine.

Mr. Martin: What do you mean by that?

Mr. Van Dusen: I want to show two things, laches, and the fact that the complaint is not genuine.

Mr. Martin: You mean that this man is not bona fide——

Trial Examiner Myers: Let's not have any of this discussion between counsel. I don't think there is any materiality in that contention, but I will let you proceed. This man testified before that after he was fired he went over and complained about

(Testimony of James P. Blasingame.)

the fact to the Union. It might just as well be the Union guilty of laches, and if it was guilty of laches I don't know what bearing it has on the case. And it might have been they were over rushed with complaints, and that they were conferring informally with the Regional Director of the Sixteenth Region, or there might have been [565] hundreds of reasons why they did not file a formal complaint immediately after the complaint was filed by this witness.

Mr. Van Dusen: Well, I consider this important. I merely want the questions in the record.

Trial Examiner Myers: I say I will permit you to go ahead with it, but I don't see the materiality of it.

Mr. Wright: Mr. Examiner, before he does, I want to make an objection. I want to object first to the immateriality and irrelevancy; and the further objection that in so far as laches itself is concerned, the record now speaks for itself.

Trial Examiner Myers: All right. Proceed, Mr. Van Dusen.

Q. (By Mr. Van Dusen) Mr. Blasingame, when did you personally first bring your complaint to the attention of the National Labor Relations Board?

Mr. Wright: Mr. Examiner, I object to that because certainly the record speaks for itself on that point. There is already a letter in evidence on that matter.

(Testimony of James P. Blasingame.)

Mr. Van Dusen: Mr. Martin has just stated what his file shows.

Trial Examiner Myers: I will overrule your objection, Mr. Wright.

A. Well, the best of my remembrance, right after I got off, I complained about it. [566]

Mr. Van Dusen: Mr. Reporter, please read the question.

(The question was read by the reporter.)

A. Personally bring it to it?

Q. Yes, you personally.

A. I believe it was in June.

Q. June, 1938?

A. I believe it was; I am not sure; that is, personally.

Q. Yes, personally. Before that time, did you ask the N. M. U. or anyone else to file a claim on your behalf?

A. I did.

Q. Who did you ask?

A. The officials of the N. M. U.

Q. When did you ask them?

A. When did I ask them?

Q. On what date did you ask them to file a complaint on your behalf?

A. Shortly after I got off the "California". I don't remember the date or the exact time.

Q. You mean at that time you asked the N. M. U. to file—

(Testimony of James P. Blasingame.)

A. To investigate, and if there was any chance, to file charges.

Q. To file charges?

A. Yes, sir. To the best of my knowledge, they have been working on it ever since. [567]

Q. Did you inquire from time to time of the N. M. U. whether they had filed a complaint with the Labor Board?      A. Yes.

Q. You did?      A. Yes, sir.

Q. About what time?

A. A few months later, the first time I seen any of them.

Q. What is that?

A. A few months later. I don't know when it was.

Q. You were on ships of other companies after you left the SS "California", were you not?

A. I was, yes, sir.

Q. When you returned to Port Arthur from various trips that you took did you inquire of the N. M. U. whether they had filed a complaint with the Labor Board?

A. Between one of those trips. I don't know which one it was.

Q. Had they filed a complaint; do you know of your own knowledge?

A. The man that was in the office, he didn't know. The agent was not in at the time.

Q. Then you yourself brought your complaint to the attention of the Labor Board in June, 1938?

A. I believe that is the month; about that.

(Testimony of James P. Blasingame.)

Q. At that time you were not employed aboard any ship? [568]           A. I was not.

Q. How long prior to that time had you been unemployed, prior to June, 1938?           A. March.

Q. March?

A. Yes, sir, about March 17.

Q. About March 17?

A. I believe that is it.

Q. What ship was it you left March 17?

A. The "Gulfbell".

Q. "Gulfbell"?           A. Yes, sir.

Q. Now, isn't it a fact, Mr. Blasingame, that the reason you filed your complaint personally with the Labor Board was because you were unemployed at the time?

Mr. Wright: Mr. Examiner, we object to the immateriality and irrelevancy of the question. Whether he did it is no concern, so long as he had a right to do it.

Trial Examiner Myers: I will sustain the objection.

Mr. Van Dusen: Exception, please.

Q. Now, Mr. Blasingame, when you left the "California" on September 19, 1937, you said you saw Mr. Meyer on the dock, and that you registered with him, is that correct?

A. That is correct.

Mr. Wright: Mr. Examiner, are we off the subject now of [569] the laches and the genuineness of this claim?



(Testimony of James P. Blasingame.)

Mr. Van Dusen: I won't say that until I have finished.

Trial Examiner Myers: Have you a statement to make?

Mr. Wright: Yes, sir. I want now to make a motion to strike, on the record, all the questions and answers from the time I first made my objection.

Trial Examiner Myers: Motion denied.

Q. (By Mr. Van Dusen) Now, Mr. Blasingame, did you also register at the N. M. U. Hall when you left the "California"?

A. Yes, sir.

Q. You did? A. Yes, sir.

Q. And how long was it after you left the "California" that you got other employment?

A. I don't remember, sir.

Q. Have you got your papers with you?

A. Yes, sir.

Q. Didn't you testify that in October, on October 12, 1937, you were employed aboard the "Atlas"?

A. Just a minute, and I will make sure whether I said that or not. I joined the "Atlas" September 30.

Q. September 30?

A. Yes, sir. I got off on October 9.

Q. September 30 to October 9?

A. Yes, sir. That was my stay on the "Atlas".

[570]

Q. That was about two weeks after you left the "California", is that right?



(Testimony of James P. Blasingame.)

A. Approximately.

Q. Approximately?

A. Approximately, yes, sir.

Q. Now, your rate of pay on that vessel was \$3.00 per day, plus overtime?

A. Plus overtime, board and room.

Q. Plus overtime, board and room?

A. Yes, sir.

Q. And I believe you said the total amount you received was \$32.00, plus board and room, for that nine days?

A. Approximately \$30.00. I don't know for sure.

Q. Now, when you left that vessel you were employed on the "Dixie Arrow", were you not?

A. Yes, sir.

Q. I believe you testified you were on that ship from October 12 to October 21, is that right?

A. Just a minute. I went aboard the "Dixie Arrow" October 12.

Q. And got off October 21?

A. The twenty-first is correct.

Q. Why did you leave the "Atlas"?

A. It was a relief trip.

Q. Now, on the "Dixie Arrow" your rate of pay was \$80.00 per [571] month?

A. Plus overtime and board.

Q. Plus overtime, and plus room and board?

A. Yes, sir.

Q. Now, the total amount that you received was \$23.00, is that correct? What is the total amount you received for those nine days?

(Testimony of James P. Blasingame.)

A. I would say between \$22.00 and \$24.00.

Q. Plus overtime?

A. Plus overtime, board and room.

Q. I see. Now, the next ship you were on was the Socony-Vacuum?      A. Yes, sir.

Q. What date were you hired on that vessel?

A. November 27, 1937.

Q. When did you leave that vessel?

A. December 13, 1937.

Q. And your rate of pay there was \$80.00 per month, plus overtime?

A. Plus overtime, board and room.

Q. What was the rate of overtime?

A. Seventy cents an hour.

Q. What was that approximately per month?

A. Well, I was not on there a month. I will say I made about from \$6.00 to \$10.00. [572]

Q. Per month?      A. Per trip.

Q. Per trip?      A. Yes, sir.

Q. What was it for the sixteen days?

A. Sixteen days, it would probably be around forty some odd dollars.

Q. Why did you leave that ship?

A. I went to the hospital.

Q. How long were you in the hospital, Mr. Blasingame?      A. Nine days I believe.

Q. Now, what was the next ship you were on?

A. The "Gulfbell".

Q. What was the date you were hired on that ship?      A. January 14, 1938.

(Testimony of James P. Blasingame.)

Q. Until what time?

A. Until March 17, 1938.

Q. Now, your rate of pay there was \$90.00 per month?

A. \$90.00 per month, plus overtime and board and room.

Q. What was the average overtime per month?

A. Per month, I would say about \$10.00.

Q. \$10.00? A. Yes, sir.

Q. Why did you leave that ship?

A. Well, she was not such a hot ship. She was too fast, and [573] the trips were too short; and I wanted to make a run across.

Q. You left of your own accord then?

A. Yes, sir, I left of my own accord.

Q. Were you able to get a ship going to a foreign port after you left the "Gulfbell"?

A. I could have if I could have been able to register with The Texas Company, but I was not able to do it. [574]

Q. Did you register over there?

A. I tried to, but I couldn't make it.

Q. Where did you try?

A. With Mr. Meyers.

Q. Did you register at the Seamen's Institute?

A. I don't believe I did.

Q. Were you able to find a ship that was not so fast?

A. Well, plenty of them. There are just a few of those fast ones running.

(Testimony of James P. Blasingame.)

Q. You didn't want to get on a fast ship like that one you were on, did you?

A. I wanted to make longer pay days, one thing.

Q. Then you were not looking for fast ships like this one, were you?

A. Well, I had maybe a couple of other reasons to quit that ship, not only that.

Q. What other reasons?

A. Well, one reason, I wanted to go across; and another reason, I wanted to go home for a couple of days; and another reason, I had papers to fix up. I was intending to get my teeth fixed, but I didn't.

Q. You could have stayed on the ship if you wanted to?

A. Yes, sir, I could have stayed there.

Q. And you just voluntarily quit the ship?

A. Yes, sir. [575]

Q. After being unable to find any other ship on which to go what did you do?

A. Well, I have been registered at different ports.

Q. What ports?

A. Here and Galveston, and Texas City.

Q. With the N. M. U., you mean?

A. Oh, yes, N. M. U.

Q. Registered with anybody else?

A. There ain't anybody else, except Mr. Meyers.

Q. You didn't register with the Seamen's Institute?

(Testimony of James P. Blasingame.)

A. Well, that is open list. They don't ship anybody on that.

Q. Did you call up any companies?

A. No, sir.

Q. Do all companies get men from the N. M. U. Hall?

A. No, sir, not all of them. They get them like Meyers. They have got places hid out here in residences.

Q. Did you try to get ships through those places?

A. I don't know any now, except the one Two-Gun Meyers goes to.

Q. You mean you don't know where the other places are?

A. No, sir. I heard where one was at.

Q. Did you try to find it?

A. Well, I asked a few guys on the beach here, but they didn't know for sure. [576]

Q. You didn't try very hard to find out, did you?

A. Well, not too hard.

Q. You wanted to loaf a little bit?

A. No, I didn't want to loaf.

Q. Now what did you say your rate of pay was on the "California"? A. \$85.00.

Q. That is without overtime?

A. That is without overtime.

Q. You did get some overtime on that ship however, did you not?



(Testimony of James P. Blasingame.)

A. I got some tank cleaning money, but no overtime for extra work I was doing.

Q. Did you try to get employment on land, Mr. Blasingame?

A. Well, I didn't look for it, but I have done a few odd jobs.

Q. Were you paid for those jobs?

A. You mean to do them?

Q. Yes.           A. Certainly.

Q. About how much have you earned since you left the last ship that you were on?

A. Well, I would say probably a hundred dollars.

Q. \$100.00?

A. Yes, sir; maybe more, or maybe less. I have no record [577] of it.

Q. Now Mr. Blasingame, you shifted around a good deal from ship to ship, didn't you?

A. Yes, sir.

Q. And company to company, is that correct?

A. That is correct.

Q. And when you felt like quitting a particular job you quit it, didn't you?

A. Well, I generally had reason to.

Q. But I mean when you felt that you wanted to quit a job you quit it?

A. All of them but one.

Q. The "California"?           A. Yes, sir.

Q. Yes, I realize that.           A. Yes, sir.



(Testimony of James P. Blasingame.)

Q. But nobody prevented you from quitting the ship, did they? A. No, sir.

Q. You were an A. B.?

A. That is a habit we have all got. It is not like the navy.

Q. You have an A. B.'s license?

A. Yes, sir.

Q. So that you are qualified to be an A. B. on any of these ships, are you not?

A. In the Merchant Marine, yes, sir.[578]

Q. So that is a common practice among seamen to shift from ship to ship if they want to, isn't that so?

A. Well, it is a habit they have got of having something they have to get off for. Naturally, they are looking for new employment pretty soon.

Q. It is a common practice for seamen to go from ship to ship and company to company, isn't that so?

A. Well, they do do it, yes, sir.

Q. You did it, didn't you? A. Yes, sir.

Q. You know Mr. Rosen, do you not?

A. Gordon Rosen or Dave Rosen?

Q. Gordon Rosen. A. Yes, sir.

Q. Very friendly with him?

A. Well, I have been shipmates with him.

Q. Were you very friendly with him on the "California"?

A. Well, we used to play pinoche together.

Q. Were you friendly with him?

(Testimony of James P. Blasingame.)

Trial Examiner Myers: Were you friendly or not?

A. Yes, sir.

Q. (By Mr. Van Dusen) Did you discuss your complaint with Mr. Rosen? A. Well——

Mr. Wright: Mr. Examiner, I object to the immateriality [579] of the question.

Trial Examiner Myers: I didn't hear your objection.

Mr. Wright: I object to the immateriality of the question.

Trial Examiner Myers: Well, it is a little indefinite. I don't know what complaint you mean.

A. I don't understand it either.

Q. (By Mr. Van Dusen) Well, I will put it this way. Did you discuss your case here with Mr. Rosen prior to the time you went on the stand?

A. Well, I didn't go into details with him.

Q. You discussed it with him?

A. I knew of his, and he knows of mine. I know his.

Q. You compared notes with him didn't you?

A. In the case?

Q. Not here. I mean before you came in here, before you came into the court room, preparing for the case. A. No, sir.

Q. You did not? A. No, sir.

Q. But you discussed it with him, did you not?

A. Well, not in detail, no.

Q. Well, generally? A. Well——

(Testimony of James P. Blasingame.)

Q. You were both on the same ship, were you not? [580]

A. Yes, but this happened after we got off the ship.

Q. What is that?

A. The filing of this case happened after we got off the ship.

Q. But it is based on what happened on board the ship, is it not?      A. That is right.

Q. So you did discuss it with him generally, didn't you?

A. Not in general; just knew of it, that is all.

Mr. Van Dusen: That is all.

Trial Examiner Myers: Any redirect examination?

Mr. Martin: Yes, Mr. Examiner.

#### Redirect Examination

Q. (By Mr. Martin) Mr. Blasingame, you testified on cross examination that you received your job on the SS "California" in 1937 through Mr. Meyers, is that correct?

A. That is right, sir.

Q. At that time were you registered at the Seamen's Institute?

A. No, sir, to the best of my recollection, I was not. I know I was not on the Texas list.

Q. Did you go to Mr. Meyers' office and ask for a job?

A. No, sir. I met him on the street and asked him.

(Testimony of James P. Blasingame.)

Q. Where did you meet him on the street?

A. Over on Sixth Street in front of Mrs. Mitchal's. [581]

Q. Can you give us the address?

A. 235 Sixth Street.

Q. Port Arthur, Texas? A. Yes, sir.

Q. Can you tell us about what time of day this was?

A. It was about 9:00 o'clock in the morning.

Q. What did you say to Mr. Meyers?

A. I goes up to him and I said: "Mr. Meyers, I understand there is an A. B. job open on the 'California'."

Q. What did Mr. Meyers say?

A. He said: "Well, I don't want any A. B. right now. I am looking for a mess boy."

Q. Did he ask you your name?

A. Yes, sir, he asked me my name and phone number.

Q. Had you ever met Mr. Meyers before?

A. No, sir, not that Meyers.

Q. Did you tell him your name?

A. I did.

Q. Did you give him your phone number?

A. I did.

Q. Did he ask for your address?

A. Yes, sir.

Q. Did you give him the address?

A. Yes, sir.

Q. Where were you then staying? [582]

A. 211 Sixth Street.

(Testimony of James P. Blasingame.)

Q. Is that near 235 Sixth Street?

A. About three doors from there.

Q. Which way was Mr. Meyers walking?

A. He was coming out of that house.

Q. Which house?

A. Mrs. Mitchal's house.

Q. Do you know of your own knowledge whether or not he at that time lived there?

A. He did not live there. He was in there looking for a mess boy.

Q. Did he tell you that?

A. Yes, sir. He said he was there looking for a mess boy. He said he was not looking for an A. B. right then; he was looking for a mess boy.

Q. Did he say he had been looking for a mess boy at Mrs. Mitchal's house?      A. Yes, sir.

Q. Did Mr. Meyers ask you if you were a member of any union?      A. No, sir.

Q. Did he ask you if you had registered at the Seamen's Institute?      A. No, sir.

Q. Did he ask you if you had registered at the N. M. U. [583] Hall?      A. No, sir.

Q. Did he ask you if you had registered anywhere?      A. No, sir.

Q. Did he say anything about the rotary system?

A. No, sir.

Q. Did he ask you if you believed in the rotary system?      A. No, sir.

Q. Did you ask him anything about whether he believed in the rotary system?      A. No, sir.

(Testimony of James P. Blasingame.)

Q. Why didn't you ask him?

A. Well, he was in a hurry, and was not interested in it, I guess.

Q. You thought he was not interested?

A. I don't think he was interested.

Q. Now when did you next hear from Mr. Meyers after this conversation?

A. The next morning he called me up at the house and asked me did I want the A. B. job on the "California". And I said: "Yes, sir," And he said: "Come on down to the gate. I will be down with a pass for you." [584]

Q. Were you staying at the place that had the telephone number that you had given the day before?

A. I was. I was taking a bath when he called.

Q. Did you answer the telephone that was at the number you had given the day before?

A. Yes, sir.

Q. And you say you told him you would accept the job as A. B.      A. Yes, sir.

Q. Then what did you do?

A. Packed up and went down, and, instead of being there, the watchman had a pass for me.

Q. Mr. Blasingame, in this telephone conversation before you left the house, did Mr. Meyers then say anything to you about whether you were registered anywhere?      A. No, sir.

Q. Did you meet Mr. Meyer at the gate?



(Testimony of James P. Blasingame.)

A. Not at the gate; down on the dock. The pass was at the gate waiting for me.

Q. In your name?           A. In my name.

Q. Did you talk with Mr. Meyer when you met him at the dock or on the dock?

A. I told him I got there just as quick as I could; and he said: "Go on aboard." [585]

Mr. Van Dusen: Mr. Examiner, I have been very patient, but it seems to me this is improper redirect examination. This is all new matter.

Mr. Martin: This matter was opened on cross examination. I think, that being the case, we have ample right to go into it in full.

Trial Examiner Myers: Irrespective of whether it was opened on cross examination, I would like to know the facts and I overrule your objection on that ground.

Mr. Van Dusen: We take an exception, please.

Trial Examiner Myers: You may have an opportunity to cross examine him on this new matter.

Mr. Martin: Does the Examiner care to have me state wherein this subject was opened during cross examination?

Trial Examiner Myers: No.

Q. (By Mr. Martin) When you stood on the dock with him, did Mr. Meyer then ask you if you were registered anywhere?           A. No, sir.

Q. Did he say anything about the rotary system?

A. No, sir.

(Testimony of James P. Blasingame.)

Q. Mr. Blasingame, how long after you boarded the ship did she sail?

A. Well, she was in there for steamboat inspection. I believe it was the day after the next day. I believe she was in there two days, and sailed the third morning. [586]

Q. Had you worked during those days?

A. Stood my watch, yes, sir.

Q. When did you sign shipping articles on this trip? A. About——

Trial Examiner Myers: Look at the exhibit.

Mr. Martin: I would like to ask him the question.

A. At sea, some time the next day, I believe it was.

Q. The day after you left the port?

A. Yes, sir.

Q. Three days after you had been working?

A. Yes, sir. But I believe they were dated the day I joined the ship, but we signed them after we were outside.

Trial Examiner Myers: Was it customary to sign the articles the very minute you walked on the boat?

A. It seems to me like it should be.

Q. Well, is it?

A. Yes, sir, it is customary.

Q. Every time you are employed on a ship, as soon as you are employed, you sign these articles.

A. Before you start on a voyage.

Q. (By Mr. Martin) Mr. Blasingame, in your experience of ten years or so at sea on many vessels on a number of lines have you customarily signed

(Testimony of James P. Blasingame.)

shipping articles at sea beginning of each voyage soon after you went aboard the boat? [587]

A. Not each voyage, no, sir.

Q. Shortly after you boarded each boat?

Trial Examiner Myers: He just wants to clear up the facts.

Mr. Van Dusen: Mr. Examiner, I don't think Mr. Martin should testify for him.

Mr. Williams: The objection is that it is a leading question.

Trial Examiner Myers: I know it is leading. Don't lead so much.

A. You do not——

Trial Examiner Myers: Explain it in your own words about those articles.

A. You don't sign articles every trip, provided it is within a month. I believe that is the way it is. Because if you go to Tampa or Miami, and back here, you can make another trip. I think you have got to sign articles at least once every thirty days.

Mr. Martin: Mr. Reporter, will you read the last question and answer, please.

(The question and answer were read by the reporter.)

Q. Well, Mr. Blasingame, in your experience each time you board a new ship, about how long after you have boarded a ship do you sign shipping articles?

Mr. Van Dusen: Mr. Examiner, that is leading,

(Testimony of James P. Blasingame.)

how [588] long after you board a ship do you sign articles.

Trial Examiner Myers: Yes. Reframe your question a little. Will you tell us what you did when you got on the "California" about these articles, and what is the customary thing to do when you do go aboard a new ship regarding articles.

A. You go aboard a new ship, and you are supposed to go up and sign them.

Q. Not what you are supposed to do; what you do. Let's have it.

A. You go up and sign the articles.

Q. Why didn't you do it in this instance, if you are supposed to do it, as soon as you walked on the boat?

A. Well, I guess the mates all wanted to be ashore as much as they could.

Q. Was there anything unusual that you did not sign these articles when you went aboard?

A. I don't remember. I might have signed them down here.

Q. Well, let's take respondent's Exhibit No. 3. You signed here, the seventh man. You believe all those other men, amounting to thirty-eight men, signed after you signed?

A. No, sir. It comes eighth, engineers, and the petty officers, and the A. B.'s, wipers, and they come on down that way, the higher rating up you get.

Q. Quartermaster?

A. Quartermaster, seventh. [589]

(Testimony of James P. Blasingame.)

Q. Did Mitchell sign after you or did you sign before Mitchell?      A. I don't know. [590]

Q. Was there a blank space for you to sign?

A. There are blanks all in there.

Trial Examiner Myers: What is the purpose of this, Mr. Martin?

Mr. Martin: There are two purposes, Mr. Examiner. The first is to discover whether people sent on board by Mr. Meyer——

Trial Examiner Myers: I mean about signing the articles?

Mr. Martin: If there was any special way of signing the articles at any special time; and, certainly, to let the fact indicate, to assist whatever law there is on the subject with respect to the exact period of the beginning of the trip, exactly when Mr. Blasingame signed the articles.

Mr. Van Dusen: Mr. Examiner, may I point out that the Federal Statutes require shipping articles for coastwise trips. Now, if that is so, it seems to me that this line of questioning is immaterial.

Mr. Martin: The issue is not whether the law requires articles, but what the law says as to the exact time of the beginning of the trip.

Trial Examiner Myers: Well, go ahead then.

[591]

Q. (By Mr. Martin) Mr. Blasingame, at any time before you got on that boat did Mr. Meyers say anything to you about when you would sign the shipping articles?



(Testimony of James P. Blasingame.)

A. No, sir. That is out of his jurisdiction. He ain't got anything to do with that.

Q. When you entered the boat, did the captain or any officer aboard the ship say anything to you about when you would sign shipping articles?

A. Not until the time came to sign them.

Q. And then what?

A. "Come up and sign the articles." I believe it was the first day at sea or the second day. I ain't sure, but they dated from the day I went aboard the ship and probably signed maybe three days later.

Mr. Martin: Let the record show that opposite the name James P. Blasingame on Respondent's Exhibit No. 1, under the column "Place and time of signing" is the date "ditto" for Port Arthur, "30-37".

Mr. Reporter, please correct that to show that the ditto marks referred to "Port Arthur, 6-," meaning "June".

Mr. Van Dusen: Well, Mr. Examiner, I think this instrument speaks for itself. I don't think Mr. Martin should interpret it. I move to strike out the statement.

Trial Examiner Myers: Motion denied.

Mr. Van Dusen: Exception.

Mr. Martin: Let the record show furthermore that at the [592] bottom of the first page of Respondent's Exhibit No. 1 appear the following words, "In witness whereof the said parties have



(Testimony of James P. Blasingame.)

subscribed their names hereto on the days against their respective signatures mentioned," signed, "P. Peterson, Master of The Texas Company," on the 29th day of June, 1937.

Mr. Van Dusen: I make the same motion in respect to that statement.

Trial Examiner Myers: Motion denied.

Mr. Van Dusen: Exception.

Q. (By Mr. Martin) Mr. Blasingame, do you remember whether or not you saw Captain Peterson write what he wrote on page one of Respondent's Exhibit No. 1?

Mr. Van Dusen: What was that question?

(The last question was read.)

A. You never see them. When you go up and sign it is laying down like that, (indicating). That is all you ever see.

Q. (By Mr. Martin) Mr. Blasingmae, from your own knowledge, do you know when Captain Peterson wrote what he wrote on page one of Respondent's Exhibit No. 1? A. I don't know.

Q. Mr. Blasingame, when you say that the paper is lying "like that" what do you mean?

A. Well, somebody, the mate or sombeody, is standing there with a fountain pen for you to sign it.

Trial Examiner Myers: You mean it is opened wide? [593] A. Wide open.

Q. (By Mr. Martin) You mean it is opened wide?

(Testimony of James P. Blasingame.)

A. You never get to see the front page.

Mr. Blasingame, you testified on direct examination that during one of your conversations with Mate Baldwin during your watch, he asked you if you were a union man and you denied it, is that correct? A. That is right.

Q. Now, did you have other conversations with Mate Baldwin after that one? A. Yes, sir.

Q. Did he mention rank and filers in any of those subsequent conversations? A. Yes, sir.

Q. And how would he use this term, "rank and filers"? A. "Rank and filer rats."

Q. Can you describe his tone of voice?

A. I don't know what you mean by that.

Trial Examiner Myers: Did you hear the last answer, Mr. Martin?

Mr. Martin: Yes, sir.

Q. (By Mr. Martin) Did he sound as though he didn't like rank and filers?

A. He plainly told me he didn't. He called them rats.

Trial Examiner Myers: He called them rats. Now, what [594] else do you want?

Mr. Martin: I asked the witness to answer.

A. Well, he plainly told me they were rats. I don't think nobody likes rats.

Q. (By Mr. Martin) Now, in these conversations after the one where you denied that you were a union man, in those conversations afterwards, do

(Testimony of James P. Blasingame.)

you believe that Mate Baldwin knew that you were a union man?

A. We went up and had the conversation with the captain, he knew it then.

Trial Examiner Myers: That was the first time he knew it, is that right?

Q. (By Mr. Martin) You believe that was the first time he knew it?

A. Was sure of it. He might have been suspicious.

Mr. Van Dusen: I move to strike it. He is asking whether he knows that someone else believes.

Trial Examiner Myers: Motion denied. It is in now. Let's have no more of it.

Mr. Van Dusen: Exception.

Mr. Martin: Well, Mr. Examiner, just to clarify the record I didn't ask him if he knew somebody else believed something. I asked him if he believed somebody else knew something.

Trial Examiner Myers: I knew it. [595]

Mr. Van Dusen: Well, that is the same thing.

Trial Examiner Myers: Go ahead.

Q. (By Mr. Martin) After you left New York, did you have any more discussions with Mate Baldwin during your watch?

A. They was mostly orders. No more discussions.

Q. You noticed a change in his attitude?

A. Yes, sir, I did. A lot of jobs I wasn't suppose to do.

(Testimony of James P. Blasingame.)

Q. Name some.

A. Well, I was down on deck painting tank tops for one thing.

Q. Who told you to do that?

A. We was at anchor on the bar here and the second mate, Baldwin, told me to do that.

Q. You say you were anchored?

A. Yes, sir. He is my superior officer. And I was changing wind sails, I believe too. I was doing work around on deck I had no business doing. I was supposed to be on the bridge. I scrubbed the wheel house out and he would always find fault and make me come back and do it over then. If the windows wasn't clean enough, I would do that over again. Just trying to make it miserable.

Q. All of this after New York?

A. After we left New York.

Q. Mr. Blasingame, is my understanding correct that a quartermaster does some work on the decks when the ship is tied up [596] at the dock.

A. He has to assist the pumpmen with the valves. [597]

Q. He assists the pumpman with the valves?

A. Yes, sir, and stands gangway watch.

Q. And stands gangway watch. Does he do anything else? Is he supposed to do anything else?

A. He is supposed to watch the cargo load or discharge and that is all. He ain't supposed to do

(Testimony of James P. Blasingame.)

no painting or chipping or nothing like that, to my knowledge.

Q. Before the ship got to New York what duties did you perform as quartermaster when the ship was at dock anywhere?

A. Gangway watch and assist the pumpman and the mate on watch with loading or discharging.

Q. Anything else? A. That is all.

Q. But after the ship left New York?

A. I was doing anything then.

Q. And who told you to do these other things?

A. The mates.

Q. What mates?

A. My mate told me, the second mate, a lot of things he had orders from the chief mate for me to do.

Q. Mate Baldwin told you?

A. Baldwin passed the order on to me.

Q. Did Chief Mate Rosen give you any instructions to do these other things? A. No. [598]

Q. Did Captain Peterson? A. No, sir.

Q. Did Boaswain Thompson?

A. No. I didn't work under him at all.

Q. Now, Mr. Blasingame, from any knowledge that came to your attention before the boat got to New York did you have reason to believe that Captain Peterson knew you were a union man?

A. Before we got to New York?

Q. Yes, sir.



(Testimony of James P. Blasingame.)

A. I don't know whether he did or not. I don't believe he did.

Q. But do you have any information that leads you to that belief?      A. No.

Trial Examiner Myers: Well, when you and Rosen went up to see the captain didn't Rosen say in your presence to the captain "We are union men"?

A. That is after we were in New York.

Mr. Martin: I said "before the boat got to New York."

Trial Examiner Myers: Oh, excuse me.

Mr. Martin: The rest is taken care of, Mr. Examiner.

Q. (By Mr. Martin) Had first mate Dave Rosen joined the boat some time before it got to New York?

A. Yes, sir, about a trip and a half, I believe. [599]

Q. Now——

A. (Interrupting) Or one trip. I don't know which.

Q. Now from any knowledge that has come to your attention, do you believe that Dave Rosen knew you were a union man before the boat got to New York?

A. I don't believe he did.

Q. You don't believe he did?

A. No, or probably we wouldn't have got to New York.



(Testimony of James P. Blasingame.)

Q. Did you testify, Mr. Blasingame, that chief mate Rosen was present in the captain's quarters when Gordon Rosen informed the captain that you were union men? A. Yes, sir.

Q. Do you believe that after that moment it was any secret to either the captain or to Dave Rosen that you were a union man? A. No, sir.

Mr. Van Dusen: Mr. Examiner, that is calling for a conclusion.

Trial Examiner Myers: He has answered the question.

Mr. Van Dusen: Well, I thought——

Mr. Martin: We would like to have the record be clear, Mr. Examiner.

Trial Examiner Myers: About what? All right. I will overrule it. It is in now. Let it stay in.

Mr. Van Dusen: I mean, Mr. Examiner, for the future am I [600] to move to strike or to object to the question?

Trial Examiner Myers: Object to the question.

Mr. Van Dusen: I thought you previously said that to facilitate the procedure here we could move to strike out?

Trial Examiner Myers: No, I never said that.

Mr. Pipkin: I believe the record shows that you said——

Trial Examiner Myers: Well, you show it to me in the record. You can show it to me during the lunch hour. Go ahead, Mr. Martin.

Q. (By Mr. Martin) Mr. Blasingame, on cross examination you testified that when you were talk-

(Testimony of James P. Blasingame.)

ing with Dave Rosen at the top of the gang plank and he told you you were fired that the wireless operator and the first pumpman were standing nearby?

Mr. Van Dusen: I object to the question as leading.

Trial Examiner Myers: Well, he is just telling him. He has not asked a question yet.

Mr. Van Dusen: He said "You did testify \* \* \*"

Mr. Martin: Let the record show that my sentence ended with a rising inflection.

Mr. Van Dusen: Yes, indicating the answer.

Mr. Martin: Indicating a question mark.

Trial Examiner Myers: Now wait a minute.

Mr. Van Dusen: I want to object.

Trial Examiner Myers: Please don't ask any more leading [601] questions, because when it comes to valuing the testimony I will have to discount it. It is hard to figure when you lead the witness just what the witness would have testified if the question had not been leading.

Mr. Martin: Do I understand that that objection is sustained?

Trial Examiner Myers: Yes. Will you please reframe the question.

Now he testified on direct and on cross examination that those two men were there with Baldwin and himself besides some other men. That is a fact. Now will you please go ahead and ask him a question.

(Testimony of James P. Blasingame.)

Q. (By Mr. Martin) How far from where you and Rosen were standing was this wireless operator?

A. Approximately from ten to twenty feet; maybe closer and maybe farther. I turned around there and was talking to the mate then. I don't know. They were right behind me.

Q. While the mate was talking did you at any time look at the wireless operator?

A. Not while he was talking, no, sir.

Q. While you were talking to the mate did you at any time look at the wireless operator?

A. Not that I remember.

Q. Now how far from where you were standing was the first pumpman standing? [602]

A. I believe he was standing within probably twenty feet; standing by the manifold of the pump.

Q. By the manifold pump?

A. The manifold from the pump; by the pump room.

Q. Now while Dave Rosen was speaking to you did you at any time look at the first pumpman?

A. Not that I remember.

Q. While you were speaking to Dave Rosen did you at any time look at the first pumpman?

A. Not as I remember; looking at him.

Q. While you were standing there with Dave Rosen did either the wireless operator or the first pumpman make any remarks to either of you?

A. No, sir.

(Testimony of James P. Blasingame.)

Q. Did you see anybody else whom you could identify standing there around there?

A. I believe the second cook was standing there. I ain't sure.

Q. How far from where you were standing was he?

A. He was right there close to the gangway too.

Q. Was he nearer to you or nearer to Dave Rosen?

A. Well, me and Rosen was side by side. He was probably twenty feet too.

Q. You would say he was twenty feet away?

A. Yes, sir. [603]

Q. Now while either you or Rosen was talking did you look at the second cook?

A. No, sir, I didn't look at him; not that I remember looking at him. I might have glanced and saw the man. I don't know.

Q. Mr. Blasingame, after you got off the "Gulf-belle" why didn't you register at the Seamen's Institute?

A. Well, I knew it wasn't no use, because I would never get called no how; that is, on the Texas list.

Q. I see. Did you have any reason for that belief?

A. Well, I tried to register just a little while before I went on the "Belle" and the man, just

(Testimony of James P. Blasingame.)

as soon as I told him my name, he closed his book and said, "I know you," and went on. [604]

Trial Examiner Myers: Well, that is Meyer. That is not the man at the Seamen's Institute is it?

A. No, sir, it ain't the man at the Institute, but that man at the Institute knows who to hire and who to don't hire.

Mr. Van Dusen: I didn't hear that?

A. The man at the Institute now, he knows who to hire and who not to hire. In other words, he has a list of guys that Mr. Meyer don't want now.

Q. (By Mr. Martin) Do you know that of your own information?

A. The best of my knowledge.

Q. But do you know that definitely?

A. Well, I have seen it practiced.

Q. You have seen it in practice? A. Yes.

Q. Have you seen the list?

A. I know guys on the top of the list and they go right on past them and get other men.

Q. Did you ever see the list of people that is kept down there of people not to be hired?

A. No, I never saw that list.

Mr. Van Dusen: Well, I move to strike this testimony since he has not personally seen the list.

A. Not that list.

Trial Examiner Myers: I will grant it.

Mr. Martin: Does that motion go only to mention of list [604-A] or to everything said?



(Testimony of James P. Blasingame.)

Trial Examiner Myers: No, this only goes to that part where he said that the man at the Seamen's Institute has a certain list of people whose names on that list are not employed by The Texas Company. That was your motion, wasn't it, Mr. Van Dusen?

Mr. Van Dusen: Yes. The testimony wherein he stated——

Trial Examiner Myers: That he believed that there is such a list. He is not sure; he does not know of his own knowledge, but he believes it.

Q. (By Mr. Martin) Would you say, Mr. Blasingame, that it is common knowledge among seamen on the beach here that such a list is or is not kept? A. It is knowledge——

Mr. Williams: Now, we object to a leading question of that kind. Ask him for the facts.

Trial Examiner Myers: I sustain it.

Mr. Williams: I have to apologize for making these objections, your Honor.

Trial Examiner Myers: Well, there is no reason for apologizing. I sustain the objection.

Q. (By Mr. Martin) Mr. Blasingame, what do sailors think about this thing?

A. I am sure they all have the same attitude——

Mr. Van Dusen: Just a minute. I object to him asking [605] what the sailors think.

Trial Examiner Myers: I will sustain the objection.



(Testimony of James P. Blasingame.)

Q. (By Mr. Martin) Mr. Blasingame, during your periods of being on the beach at Port Arthur have you talked with a number of sailors about the Seamen's Institute? A. I have.

Q. As a result of those conversations do you have an opinion as to what sailors on the beach at Port Arthur think about the Seamen's Institute?

A. I believe I do.

Mr. Williams: Now, we object to that. They can bring them in here and ask them what their opinion is.

Trial Examiner Myers: I sustain the objection.

Mr. Wright: Mr. Examiner, I don't want to argue about it, but it seems to me that the reputation of the Hall down there, the Seamen's Institute, is subject to inquiry at this time, if this man has talked to seamen and knows the reputation.

Mr. Martin: Mr. Examiner,—

Trial Examiner Myers: I will stand by my ruling. Go ahead.

Q. (By Mr. Martin) Mr. Blasingame, do you know the Seamen's Institute's reputation among seamen on the beach at Port Arthur?

A. Yes, sir. [606]

Mr. Van Dusen: Mr. Examiner, I think this is irrelevant and immaterial. I don't see what the reputation of the Seamen's Institute has to do with this hearing. I object to the question on that ground.

Mr. Martin: This evidence goes to the bona fide

(Testimony of James P. Blasingame.)

attempts of the witness to get a job after he was allegedly fired from The Texas Company ship "California". As such, it is relevant.

Mr. Van Dusen: May I make one more statement?

Trial Examiner Myers: If he gets a job after he is fired it is only to be shown to mitigate the damages that might be due him from the respondent. Now, the mere fact that he didn't make any effort whatsoever to get a job or that he made a lot of efforts to get a job is outside the scope of this complaint.

Mr. Martin: Except that his efforts might affect the mitigation or the lack of mitigation of his damages, because it reflects upon his efforts to secure other employment.

Trial Examiner Myers: I don't think you have to go into that. That is beyond the scope of the complaint and it is all after the dates mentioned in the complaint. There is testimony in the record I believe to the effect that even though the Seamen's Institute or any other employment agency would send a man down to the boat, if the captain did not like the man he would not hire him. So what the Seamen's Institute did or what they were told to do and what kind of men they [607] sent down, I don't see where it comes in, except under the 8-(1) charge where you want to show that the company refused to hire any union men.

Mr. Martin: Or some union men.

(Testimony of James P. Blasingame.)

Trial Examiner Myers: Or some union men.

Mr. Martin: Certain ones, among them, Mr. Blasingame.

Trial Examiner Myers: Well, you have pretty good evidence that Meyers would not hire him. The testimony is that he was going to take his name down and he heard his name and then Meyers closed his book and walked away and wouldn't have anything to do with him. Now, whether he can show that Meyers did that because he knew that Blasingame was a union man or one of certain union men unemployed, that is a different thing.

Q. (By Mr. Martin) Mr. Blasingame, why didn't you register on the open list at the Seamen's Institute?

A. Well, there isn't so many ships shipping over there. Just like The Texas Company, they are shipping from all over town, and I am sure—almost positive—that they don't get no union men. If they called up the Institute they might have got a union man.

Q. Mr. Blasingame, have you had any personal encounter with any official of The Texas Company which led you not to register at the Seamen's Institute after you got off the "California"?

A. No, sir, no other ship but the "California". I don't quite understand that question. [608]

Q. How did you say you got on the "California"? How did you say you obtained the job?

A. By asking Mr. Meyers for it; Two Gun Meyers.

(Testimony of James P. Blasingame.)

Q. Did that fact occur to your mind when you decided not to register at the Seamen's Institute after you got off the "California"?

Mr. Williams: Your Honor, that is a leading question again. You can ask the witness many question; why didn't you register here and why didn't you register there, but don't suggest the reason. I object to the question. It is leading.

Trial Examiner Myers: Sustained.

You didn't register at the Seamen's Institute after you were fired by the company, is that right?

A. No, sir, not on The Texas Company.

Trial Examiner Myers: Why didn't you?

A. Because I registered personally with Mr. Meyers.

Trial Examiner Myers: I beg your pardon. I didn't hear you.

A. Because I registered personally with Mr. Meyers.

Trial Examiner Myers: And you thought it was unnecessary to register down at the Seamen's Institute?

A. My understanding is that he has a list of names. If he can't get one of those men on his book, he calls the Institute for the Texas list. [609]

Trial Examiner Myers: Oh, I see. He has a list of his own and when he can't locate the men on his list, then he will call up the Institute, is that right?

A. That is the way I understood.

(Testimony of James P. Blasingame.)

Trial Examiner Myers: So when you found out that Mr. Meyers wouldn't listen to you, you thought it was no use to register down at the Institute?

A. I knew there was no use registering down at the Institute because if they got a call I would never get the job no how.

Q. (By Mr. Martin) Do you know of any other places to register other than the Seamen's Institute and the Union Hall?

A. No, I don't believe I do without going to a lot of trouble and I didn't know just how to do it.

Q. What do you mean, "cause a lot of trouble"?

A. Well, there would be a lot of calling up, looking for somebody, like Mr. McWilliams up here at the Sabine Hotel. At certain times you can catch him and register.

Q. Can you register at the Sabine Hotel?

A. I don't know whether you can register or not, but he gets your name and phone number, but he is very hard to catch. I have heard that is one way.

Q. At that time did you have any knowledge as to a Union policy about where Union men should register? [610]

Mr. Williams: Now, he is getting back to asking leading questions and putting the answer in the witness' mouth.

Trial Examiner Myers: Well, I will allow it in order to get the evidence.

A. What was the question, please.



(Testimony of James P. Blasingame.)

Trial Examiner Myers: Will you read the question, Mr. Reporter?

(The last question was read.)

A. Yes.

Q. (By Mr. Martin) What was your understanding of the policy?

A. Register at the Union Hall for Union ships that was recognizing the Union.

Q. Any place else?

A. And Seamen's Institute for The Texas Company.

Q. Any place else?

A. That is all I can recall right now.

Q. Did you make any efforts to discover other places? A. To ship or register?

Q. Places to get a job.

A. Not right then, no. Not in Port Arthur.

Q. Why not?

A. Well, I couldn't ship unless we go over to the Union Hall. [611]

Q. Did you try to get a job off the street?

A. No, sir, not after that.

Q. Why not?

A. Against the Union principles, the best of my knowledge.

Q. Did you try to get a job off the docks?

A. No, sir.

Q. Why not? A. The same thing.

Trial Examiner Myers: You don't mean that, do you, Mr. Witness; that it is against Union prin-



(Testimony of James P. Blasingame.)

ciples to look for a job.

A. Well, it is against our policy of the Union to ship off the dock and in that way I mean it.

Trial Examiner Myers: You mean they want you to be hired through the Union Hall so that each man will get a fair chance, is that it?

A. Yes, sir. That is what we advocate.

Trial Examiner Myers: You are supposed to take your turn? A. Take your turn.

Q. (By Mr. Martin) Are there other places in Port Arthur where you can get a job?

A. Not that I know of. If I wait my time.

Q. Boarding houses?

A. Well I don't know boarding houses. [612]

Q. But are there any?

A. Well, yes, there is one boarding house here. That is Mrs. Mitchal's down here. She lives on Houston Avenue now.

Q. Who hires there?

A. The Texas Company does.

Q. What men? A. All departments.

Q. What departments?

A. All departments on the ship.

Q. Who does the hiring for The Texas Company? A. Through there?

Q. Yes. A. Mr. Meyers.

Q. Why didn't you register there?

A. I couldn't see any use in registering, because Mr. Meyers, he always came there to pick up his men and he didn't come there to pick me up.

(Testimony of James P. Blasingame.)

Q. Why not?

A. Because he knows me. He said he did anyhow.

Q. Does the Union have any policy about such places as Mrs. Mitchal's?

Mr. Williams: Now we object to that. I don't think that it is written in the law yet that they can absolutely prevent people from registering at other places where they might get work. [613]

Trial Examiner Myers: I will overrule the objection.

Mr. Martin: Read the question please, Mr. Reporter.

(The last question was read.)

A. I couldn't answer that question.

Q. (By Mr. Martin) Do you understand the question? A. No, I don't understand it.

Q. Does the Union approve of places like Mrs. Mitchal's?

Mr. Van Dusen: Mr. Examiner, I object to that.

Trial Examiner Myers: It has been answered and he said that the Union policy or the custom of the Union was to have no man register outside the Union Hall, so that each and every man would have a job in his turn; that no man should receive more employment than the next man. That is one of the fundamentals of unionism.

Mr. Martin: Thank you, Mr. Examiner. [614]

Trial Examiner Myers: He has testified to it. It

(Testimony of James P. Blasingame.)

is in the record. He has testified to it time and time again.

Mr. Martin: Did I hear a ruling on the last objection?

Trial Examiner Myers: I will sustain the objection. This is all repetitious.

Q. (By Mr. Martin) Mr. Blasingame, do you know what the union thinks of places like Mrs. Mitchal's?

Mr. Van Dusen: I object to that.

Mr. Martin: He can answer "yes" or "no".

Mr. Van Dusen: He can't testify as to what the union thinks.

Mr. Wright: He is a member of it.

Trial Examiner Myers: I don't know why you insist upon pursuing this. I will take judicial notice of it that they frown upon any procedure of registering with anybody except through the union hall. Now we have Mr. Gordon testifying to it and we have this witness who testified to it and we have Ames' testimony.

Mr. Martin: I believe the Examiner is mistaken as to this witness' testimony. I agree about the other witnesses.

Trial Examiner Myers: I asked him that question just a few minutes ago.

Mr. Martin: You didn't ask him about boarding houses.

Trial Examiner Myers: All right. Will you please answer this question, Mr. Witness? [615]

(Testimony of James P. Blasingame.)

Mr. Van Dusen: Well, how about my objection?

Trial Examiner Myers: I will overrule the objection just to get this in the record.

Mr. Van Dusen: Exception.

Trial Examiner Myers: And I have told you there is nothing has to go in this record beyond the date of this man's discharge. Why he registered and why he didn't register in order to get a job is immaterial to this proceeding. The facts are whether this man was discharged for union activities. What he did after he was fired is immaterial except to mitigate the damages, if any.

Will you answer the question?

A. What was it?

Trial Examiner Myers: Read the question.

Mr. Martin: Read my last question.

(The last question was read.)

A. I think they think the same thing that I think about it.

Trial Examiner Myers: And what do you think about it? Let's have it.

A. I think it is a snake ranch.

Trial Examiner Myers: Now regarding registering there in order to get a job with The Texas Company?

A. I don't believe the union advocates them to go there, but if they want to go there they can go there and try to get on a ship for the purpose of organizing it. I believe that [616] is the way I understand it.

(Testimony of James P. Blasingame.)

Mr. Martin: That is all, Mr. Van Dusen.

Recross Examination

Q. (By Mr. Van Dusen) Mr. Blasingame, you didn't put your name on the open list over at the Institute, did you? A. When?

Q. After you left the "Gulfbelle". After you left the "Gulfbelle" in March.

A. I don't recollect. I don't believe I did. I might have.

Q. Do you know what companies get seamen from the open list over there?

A. Well, I have heard of one job going out on that open list in the last year.

Q. Do you know what companies get seamen from that open list?

A. The Sun Company is about the only one I know of and there has been one job in a year's time.

Q. What is that?

A. There has been one job in a year's time that I know of.

Q. You didn't get that job? A. No, sir.

Q. You were not registered.

Trial Examiner Myers: He is registered down in Galveston.

The Witness: I am registered in Galveston.

[617]

Mr. Van Dusen: Maybe he could have gotten that job if he was registered. A. Oh, no.

Q. (By Mr. Van Dusen) Now, Mr. Blasingame,







(Testimony of James P. Blasingame.)

Trial Examiner Myers: I sustain the objection.

Mr. Van Dusen: I except. He said he knew Rosen got a job.

Trial Examiner Myers: I am not interested in what he got after that.

Mr. Van Dusen: Exception, please.

Q. (By Mr. Van Dusen) Mr. Blasingame, are there any companies who do not get their seamen through the N. M. U. Hall?

A. Yes, sir, I believe there are.

Q. What companies?

A. The Texas Company, Sabine Towing Company, Sun Oil, Pure Oil, Atlantic Refinery.

Q. Yes. A. That is all I can recollect.

Q. How do you get jobs on those ships?

A. Well, I don't know. That is something a lot of us would like to know about. [619]

Q. You don't know how men get jobs on those ships? A. I never caught nobody getting one.

Q. Do you want that statement to stand, that you don't know how people get jobs on those ships?

Mr. Wright: We will stipulate it.

Mr. Van Dusen: You can't stipulate his knowledge.

A. I don't know how they really do get them. I have heard, but I don't know it.

Q. Have they got offices here?

A. Some of them have; some of them ain't.

Q. Have you called their offices?

A. No, sir.

(Testimony of James P. Blasingame.)

Q. You haven't called them up?

A. I haven't.

Q. Well, you didn't try to get a job from those companies, did you?

A. No, I didn't try all of them.

Q. What? A. I don't believe I have.

Q. Now, Mr. Blasingame, did you ever take a foreign trip? A. Yes, sir.

Q. It is customary to sign up foreign shipping articles, isn't it, when you go on a foreign trip?

A. Before a Commissioner.

Q. Before a U. S. Commissioner? [620]

A. That is right.

Q. When you make a coastwise trip you usually sign up coastwise shipping articles before the captain of that particular ship, isn't that so?

A. Not necessarily the captain.

Q. The chief mate?

A. Or one of the officers; the wireless operator even.

Q. That is the customary procedure.

A. Well, yes.

Q. Now you have been on a lot of ships. When you go aboard the ship it is customary for you to go either to the captain's quarters or the chief mate's quarters and sign those articles, isn't that correct?

A. Generally they send for you to sign them.

Q. Well, they send for you and then you go to

(Testimony of James P. Blasingame.)

their quarters and sign those articles? That is customary?

A. Somewheres up midships, but I have signed them back aft.

Q. It is customary to sign these articles very shortly after you get on the boat, isn't that so?

A. The best of my knowledge.

Q. Now when your articles come to an end and you are paid off, but you decide to stay on that ship, you usually sign new articles when you are paid off, isn't that correct? Or else get a discharge, isn't that correct?

A. Say that again, please.

[621]

Q. When you reach Port Arthur or some other port and your articles come to an end and you are being paid off, if you want to stay on that ship you usually sign new articles when you are being paid off, isn't that correct?

A. Well, most of the ships the captain has a notice stuck up for you to give him 24 to 48 hours' notice that you are leaving the ship.

Q. I see.

A. And if he ain't got that notice he expects you—you are not finished unless he gives you a discharge. If he don't give you no discharge, you ain't finished.

Q. If you are finished, if you are quitting the ship you get paid off, don't you? And you get a discharge like those discharge certificates that you have, isn't that correct?

A. Yes, sir.

(Testimony of James P. Blasingame.)

Q. Now if you decide to stay on the ship, instead of getting the discharge you sign new articles, isn't that correct?

A. Before you make another trip.

Q. That is right. At the time you are being paid off usually, isn't that correct?

A. At the time you are paid off?

Q. At the time you are being paid off you sign new articles for your next trip?

A. Not exactly at that time. Before you finish the next trip. I have signed articles five days at sea. [622]

Q. Yes, but I say the customary procedure is that when you are being paid off you either get a discharge to leave the ship or else you sign new articles?

A. If you stay in the employ of the ship, yes, sir.

Q. You sign new articles? A. Yes, sir.

Trial Examiner Myers: In other words, for every trip you make you sign new articles, is that it?

A. Yes, sir. That is, if it ain't a short trip to Miami or Tampa; somewhere like that. A lot of those companies don't sign articles for those small trips.

Q. (By Mr. Van Dusen) Now when you went on the SS "California" you signed shipping articles, but you don't know the exact date that you signed them; the exact time, is that correct?

A. I don't know the exact time I signed it, no. It was two or three days after I went aboard.

(Testimony of James P. Blasingame.)

Q. Do you know what date that ship sailed? Do you know what date it pulled out of Port Arthur? The exact date?

A. Let's see? It was about the third, I guess.

Q. About what?

A. I don't know exactly. Probably the third.

Q. The 30th, you mean? June 30? Is that what you mean?

A. I joined it on the 30th and about the 3rd she sailed.

Trial Examiner Myers: The 3rd of July. [623]

A. In the next month.

Mr. Van Dusen: That is September, 1937.

A. I was on that ship in June.

Q. (By Mr. Van Dusen) Pardon me. In June, 1937, you joined the ship? A. Yes, sir.

Q. What date did you go aboard?

A. June 30, 1937, and we laid down here, I believe, it was two days more.

Q. You laid there two days? A. Yes, sir.

Q. Now when did you sign the articles?

A. The first day at sea. We sailed in the morning and I think it was supper time that night we signed them, to the best of my remembrance.

Q. You knew you were going to sign articles? Everybody signs them.

A. Well, that is an old custom.

Mr. Williams: I would like to ask the witness a question.



(Testimony of James P. Blasingame.)

Q. (By Mr. Williams) Did you have tonsilitis when you got off the SS "California"?

A. Did I have what?

Q. Did you have tonsilitis? You had an operation shortly after that. When you got off the "California" on September 21, 1937, did you have tonsilitis then? [624]

A. I don't know. I had tonsils. I don't know whether I had tonsilitis or not.

Q. Well, you had an operation for them, did you not, afterwards? A. Quite a bit later.

Q. After you got off the "Dixie Arrow"?

A. Right after I got off the "Socony-Vacuum".

Q. Were they giving you trouble at that time?

A. When?

Mr. Wright: Which time are you talking about?

A. The "California"?

Q. (By Mr. Williams) The time that you left the "California".

A. No, sir, they were not giving me no trouble.

Q. You had an operation you testified when you left the "Dixie Arrow" on October 12.

A. I was taking doctor's treatment. I didn't have no operation then.

Q. For tonsilitis?

A. I had my tonsils taken out. I went to the doctor. I don't know whether it was tonsilitis or what.

Trial Examiner Myers: Do you know what "tonsilitis" means?



(Testimony of James P. Blasingame.)

A. It is inflamed tonsils, isn't it?

Mr. Williams: That is all. [625]

Mr. Van Dusen: That is all.

Mr. Martin: That is all.

Trial Examiner Myers: It is five minutes to one now. I think we will recess until 2:00 o'clock.

(Thereupon, a recess was taken until 2:00 o'clock p. m.) [626]

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### Afternoon Session

(Whereupon, the hearing was resumed, pursuant to recess, at 2 o'clock p. m.)

Trial Examiner Myers: Are you ready?

Mr. Martin: Yes, sir. We will call Mr. Buckless.

### CLARENCE BUCKLESS,

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Trial Examiner Myers: Give the reporter your name and address, please.

A. Clarence Buckless, 224 Sixth Street, Port Arthur, Texas.

### Direct Examination

Q. (By Mr. Martin) Mr. Buckless, are you an able bodied seaman? A. Yes, sir.

Q. How long have you been at sea?

A. Twenty some odd years.

(Testimony of Clarence Buckless.)

Q. How long have you been an able bodied seaman?

A. About twelve years; or about twenty years.

Q. About twenty years?

A. About twenty years.

Q. During your years on the sea, what jobs have you held?      A. Boatswain mate in the navy.

Q. I beg pardon.

A. Boatswain mate. That is the highest. [627]

Q. What other jobs?

A. Able bodied seaman, boatswain, quartermaster, cargo ships, freight ships, oil tankers.

Q. Are you a member of the International Seamen's Union?      A. Yes, sir.

Q. I beg your pardon?      A. Yes, sir.

Q. When did you become a member of the International Seamen's Union?      A. June 7, 1937.

Q. Are you speaking of the National Maritime Union?      A. Yes, sir.

Q. Are you speaking also of the International Seamen's Union?      A. No.

Q. When did you become a member of the International Seamen's Union?      A. In 1920.

Q. 1920?      A. Yes, sir.

Q. Are you still a member of the I. S. U.?

A. No, sir.

Q. Are you a member of the N. M. U.?

A. Yes, sir.

Q. When did you become a member of the N. M. U.? [628]      A. June 7, 1937.

(Testimony of Clarence Buckless.)

Q. While you have been at sea, what lines have you sailed on?

A. Well, I have sailed on several different ones, Standard of New Jersey, Standard of New York, Pan American, Gulf, Texas, Sabine Towing Company, Pure Oil. I have sailed on the Argonaut Line, and Baltimore Mail.

Q. When were you in the navy?

A. I went in the navy June 4, 1915.

Q. When did you leave? A. In 1919.

Q. Have you worked for The Texas Company, Marine Division? A. Yes, sir.

Q. Can you name The Texas Company ships you have been on and the approximate times when you were on them? A. Yes, sir.

Q. Will you please do so?

A. The first one was the "Virginia". That was in 1925, the latter part of 1925 and 1926. I haven't got the correct date on that, when I joined and when I got through.

Q. Can you say about when?

A. Something like September, sometime in September, I believe I joined her, in 1925.

Q. When did you get off, about when?

A. I got off, I believe it was on or about May 1, 1926?

Q. May 1? [629] A. Yes, sir.

Q. Did you say? A. Yes, sir.

Q. Is that a period of approximately seven months, as a minimum? A. Yes, sir.

Q. Then when did you next sail on a Texas Company boat?

(Testimony of Clarence Buckless.)

A. On or about March 23, 1936, until May 1, 1936, on the "Shenandoah."

Q. Mr. Buckless, what was your position on the "Virginia"? A. Boatswain.

Q. And on the "Shenandoah"?

A. Able bodied seaman.

Q. Now, as you continue, will you give us the job, too?

A. Yes, sir. Do you want me to continue now with the rest of the ships?

Q. Yes, please.

A. The next ship was the SS "Washington". I joined her on or about February 20, 1937, and left her in March, the 8th, 1937.

Q. What job?

A. I was on her as quartermaster. The next one was the SS "Ayrian". I went aboard her on or about September 15, 1937, and left her on or about November 13, 1937. Wait a minute. Yes, that is right. I was able bodied seaman on her. [630]

The next one was the SS "Nevada". I went on her on or about November 17, 1937, and left her on or about April 18, 1938. No, I went on her as able bodied seaman and worked for one week or such matter, and was promoted to boatswain, which I stayed as until 1938.

Q. Until you left the boat?

A. Yes, sir. The next ship was the SS "Washington". I joined her on or about June 2, 1938, and left her on or about June 14, 1938. That concludes all those in The Texas Company.

(Testimony of Clarence Buckless.)

Q. What was your job on the "Washington"?

A. Quartermaster.

Q. Mr. Buckless, did you quit the I. S. U. when you joined the N. M. U.?

A. I quit it sometime before.

Q. About when?

A. I dropped out of the I. S. U. in 1934.

Q. In 1934? A. Yes, sir.

Q. Were you a member of a union when you were on the SS "Virginia" back in 1925 and 1926?

A. Yes, sir.

Q. What union? A. I. S. U.

Q. Were you a member of a union when you were on the "Shenandoah" in 1936? [631]

A. No, sir.

Q. Were you a member of a union when you were on the "Washington" in 1937?

A. No, sir.

Q. Did you take any part in the rank and file movement? A. Yes, sir.

Q. You did? A. Yes, sir.

Q. Was that in existence at that time?

A. Well, it was just passed then.

Q. When you were on the "Washington" in 1937, were you a pledgee of the N. M. U.?

A. Yes, sir.

Q. Were you a member of the N. M. U. while on the "Ayrian", the "Nevada", and your last time on the "Washington"? A. Yes, sir.

Q. While you were on the "Virginia" did you take any part in union activities? A. No, sir.



(Testimony of Clarence Buckless.)

Q. Why did you leave the "Virginia"?

A. I left on my own accord; no special reason at all. [632]

Q. Did you resign? A. I did.

Q. While you were on the "Shenandoah" did you take any part in any Union activities?

A. No, sir.

Q. Why did you leave the "Shenandoah"?

A. Well, I had a bonus coming.

Q. You had a bonus coming?

A. Yes, sir, the 15th of June.

Q. Were you fired from the "Shenandoah"?

A. No, sir.

Q. You resigned? A. Yes, sir.

Q. While you were on the "Washington" in 1937, did you take any part in any Union activities?

A. No, I don't believe I did; not the first time I was on there.

Q. You took no part?

A. Not the first time I was on her.

Q. Why did you leave the "Washington"?

A. I had a sore eye. I went to Galveston Hospital three weeks.

Q. You got off for medical attention?

A. Yes, sir.

Q. When you were on the "Ayrian" did you take any part in [633] any Union activities?

A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. What did you do?

A. I called a meeting about four days prior to my discharge, at Port Arthur, Texas.

Q. Without telling us minutely what happened at this meeting, what in general was the meeting about?

A. To encourage the rest of the boys that did not belong to the N. M. U. to join; to show them they would get better conditions.

Q. Were there other members of the N. M. U. aboard the "Ayrian" at that time?

A. Very few.

Q. About how many?

A. About ten I should say.

Q. In all departments? A. Yes, sir.

Q. Who attended this meeting?

A. Just the sailors, firemen, and those off watch in the crew.

Q. Unlicensed personnel?

A. Unlicensed personnel.

Q. All departments? A. Yes, sir.

Q. About how many? [634]

A. I should say twelve or fourteen.

Q. Were all the Union men there?

A. All those off watch.

Q. About how many? A. About eight.

Q. Was the mate there? A. No, sir.

Q. The captain? A. No, sir.

Q. Any officer? A. No officer.

(Testimony of Clarence Buckless.)

Q. Any officer walk by?

A. No, sir, not that I know of.

Q. When you first boarded the "Ayrian" did you have a discussion with the mate?

A. Yes, sir.

Q. What was his name?

A. I really don't know his name right offhand.

Q. Do you remember substantially what was said at this conversation?

A. Yes, just about. It was on a Sunday. I joined the ship Sunday morning, and they turned me to right away, on deck, to turn valves and tighten down dogs on the hatches, cargo hatches, and taking gear down off the booms, cargo booms, topping lifts, blocks, runners, guys and so on. And [635] there was a lot of this work I thought was a little unnecessary on Sunday as we had nice weather, and it could be left on deck until the following day. Well, I heard the mate say to the boatswain: "This is all free, on Sunday. We will get all the work we can out of the boys." So I told them I didn't think that was quite fair, and that we should get overtime for this. And he got down off the hatch and patted me on the shoulder, and he said: "Now, I was only fooling." I said: "Well I don't like the way you were fooling." And I said: "While on the boat we have got to do this if you say so." And I said: "Some day I hope in the near future we will get overtime for this, or time off." So he said he would give me time off for that day.

(Testimony of Clarence Buckless.)

Q. This was the mate?

A. Yes, sir. So the following day was Monday, and he gave me Monday afternoon off.

Q. Did you mention Union to the mate in that discussion?

A. Yes, sir, that is what I said while I was talking with him. I said: "I hope the Union will get strong enough so that we can get overtime and better conditions on these ships."

Q. Did you have any other discussions with any officer while you were on the "Ayrian"?

A. No, sir. [636]

Q. About Union? A. No, sir.

Q. Was your work criticized adversely in any way while you were on the "Ayrian"?

A. No, sir.

Q. Did you miss any watches on the "Ayrian"?

A. No, sir.

Q. Did you leave the "Ayrian" of your own will? A. No, sir.

Q. Were you fired? A. Yes, sir.

Q. Who fired you? A. The mate.

Q. When?

A. On or about November 13, 1937.

Q. Do you remember the discussion?

A. Yes.

Q. Substantially what was said?

A. Well, the boatswain told me first that I was fired. I said: "Who is firing me, you or the mate?" And he said the mate was. So I asked the

(Testimony of Clarence Buckless.)

mate what he was firing me for. So he didn't want to tell me. He said he didn't have to tell me.

Q. He said: "I don't have to tell you"?

A. Yes. [637]

Q. Did you talk to the captain?

A. No, sir.

Q. Was anybody else fired at that time?

A. No, sir, not to my knowledge.

Q. Did anybody else leave the boat at that time for good? A. Not that I know of.

Q. Do you remember the name of the captain of the "Ayrian" at that time?

A. Karlson, spelled with a "k".

Q. Karlson?

A. Yes, sir, starts with a "k".

Q. Do you remember the name of the mate, first mate? A. No.

Q. Second mate?

A. His first name was Charlie.

Trial Examiner Myers: First mate or second mate? A. Second mate.

Q. Boatswain?

A. No. The third mate's name was J. D. Holmes.

Q. Now when did you next work for The Texas Company? A. On the SS "Nevada."

Q. While you were on the SS "Nevada" how many trips did you take?

A. I made about seven trips in all, I believe. I couldn't say offhand, but I think it was around seven trips. [638]



(Testimony of Clarence Buckless.)

Q. Where did you go on the first trip?

A. I went aboard her in Galveston, and from there to Corpus Christi, and back to Port Arthur.

Q. And about what date did you leave Galveston?

A. About the 20th of November, 1938.

Trial Examiner Myers: What?

A. 1937.

Q. (By Mr. Martin) In what capacity did you ship on the "Nevada"

A. Able-bodied seaman.

Q. How long did you serve as able-bodied seaman?

A. I really don't know. It was about five to seven days.

Q. What was the rate of pay as able-bodied seaman?

A. I forget now, whether it was eighty—eighty dollars I believe.

Q. Why did you discontinue being an A. B.?

A. I was promoted to boatswain.

Q. Tell us about that.

A. Well, on the arrival at Port Arthur we had just got tied up to the dock, and the mate called me and asked me if I wanted to go boatswain. And I told him: "You have one, haven't you?" And he said: "I did have, but I fired him." And he said: "If you want the job, say so. If not, I will get a man from the shore." So I took the job. [639]

Q. What was the name of the boatswain he fired?

A. Pleasant Linville.

(Testimony of Clarence Buckless.)

Q. Did the mate tell you why he fired him?

A. No, sir.

Q. Did you ever learn from the mate?

A. No, sir.

Q. Did you ever learn from an officer of the ship?

A. Well, I heard a whole lot of rumors.

Q. Did any officer of the ship ever tell you?

A. Yes, sir.

Q. Who?           A. The second mate.

Q. What was the reason given?

A. That he had not been going to sea but about a year, eight months to a year; and he only had an ordinary certificate; he didn't know how to splice; he didn't know how to put up gear on the booms, topping lift, or anything like that.

Q. Did you understand from the second mate that at that time Mr. Pleasant Linville was considered an incompetent sailor?

A. I learned it from him.

Q. From whom?           A. The second mate.

Q. Now, were there other A. B.'s aboard the boat when you were promoted to boatswain?

A. Yes, sir. [640]

Q. How many?           A. Two.

Trial Examiner Myers: Excluding the quartermaster?

A. Yes, sir, excluding the quartermaster.

Q. (By Mr. Martin) Where did you go on your second trip with the "Nevada"?

(Testimony of Clarence Buckless.)

A. To New Haven, Connecticut.

Q. And then where?

A. And returned to Houston, Texas.

Q. And then?

A. And loaded for Boston, Massachusetts. On the return trip from Boston we went to Cat Island, and from Cat Island to Fort Arthur.

Q. Was that all one trip?

A. No, that was the trip to Houston. They paid off there, and signed on again from Houston to Boston, and from Boston to Cat Island, and from Cat Island to Port Arthur.

Trial Examiner Myers: Where is Cat Island?

A. Cat Island is on the coast of Louisiana, near the Mississippi River, I believe. They call it Port Texaco, better known as Cat Island.

Q. (By Mr. Martin) That would be the third and fourth trips, would it? A. Yes, sir.

Q. Did you participate in any union activities during those [641] trips?

A. Yes, sir. On the first trip north to New Haven, Connecticut, I called a meeting.

Q. What for?

A. For better conditions and a lot of things needed on the ship. And I was made delegate at this meeting. And during the meeting there were several things asked for. There was bath buckets, screens for the ports, and other things I perhaps can't mention right now; and taking care of the bathroom, and keeping it clean.

(Testimony of Clarence Buckless.)

Q. Do I understand you that those things were brought out at the meeting?

A. Yes, sir, and they were voted on, and voted that I could see the mate about them. And the following day I spoke to the mate at noon time and talked to him in his room. And I told him that we had a meeting last night, an N. M. U. meeting, in the messroom, and that the boys had delegated me to ask him for those few things, such as bath buckets, screens for the ports, and keeping the bath-room clean.

Q. What was the name of the mate?

A. Tranberg, Carl Tranberg.

Q. First mate? A. Yes, sir.

Q. Do you remember what he made reply?

A. He said: "Haven't the boys got buckets?"

[642]

And I said: "Some of them have, and some of them haven't."

I said: "The only buckets they have are paint buckets that I have washed out with kerosene, cleaned them out for them, about three of them." And that is all they had to take a bath in, paint buckets. And we never got the buckets as long as I was on the ship, six months. Whether they got them yet or not I don't know.

Q. Do you remember anything else the mate said?

A. Well, he said: "If you get buckets they will

(Testimony of Clarence Buckless.)

only destroy them, anyway."

And I told him: "I am only asking you as a delegate of the deck department now, and that is all I can do."

Q. Were you a delegate of the deck department?      A. Yes, sir.

Q. Only?      A. Only.

Q. Now, that day did you have a conversation with the first pumpman?

A. Yes, sir, I believe I did. We were talking that night about shower baths.

Q. That is, the night before?

A. Yes, sir, at the meeting. We didn't want to bring up too many things at once. So I spoke to the pumpman and asked him if he could fix up some shower baths; and he said he could if the chief engineer would give him the material. So the [643] next morning he asked the chief engineer for the material; and he said he would like to give it to him——

Mr. Van Dusen: Just a minute. Were you present when he told that to the pumpman?

A. No, sir.

Mr. Van Dusen: I object to the answer.

Trial Examiner Myers: Sustained. [644]

Q. After the first pumpman returned from the chief engineer what did he say?

A. He said that the chief engineer has the material——

Mr. Van Dusen: The same objection, Mr. Ex-



(Testimony of Clarence Buckless.)

aminer, this is hearsay. He was not present when the chief engineer said it.

Trial Examiner Myers: Well, the question is what did the first pumpman say to him. Objection overruled.

Mr. Van Dusen: Exception.

A. The first pumpman said that the—the first pumpman told me the chief engineer said if he fixed it up the way that he wanted to do it he was afraid that some of the boys might get burned with steam. Therefore he couldn't permit him to have the material.

Q. (By Mr. Martin) So shower baths were out then? A. Yes.

Q. Do you remember where the boat went on its fifth trip while you were on it?

A. On the fifth trip? That was when we came back from Cat Island and discharged and loaded for Spain.

Q. Did the boat go to Spain? A. Yes, sir.

Q. Approximately how long was the boat at sea from port to port?

A. Around 23 to 25 days. [645]

Q. During that period did you have any union meetings?

A. Yes, sir. We had one every week.

Q. About how many in all?

A. I should say around six.

Q. On the way over?

A. Over and back.

Q. How about on the way over?

(Testimony of Clarence Buckless.)

A. About three.

Q. Who called the meetings? A. I did.

Q. Who presided at the meetings?

A. All the unlicensed personnel.

Q. Those people were present?

A. Yes, sir, all men off of watch.

Trial Examiner Myers: Who presided? Do you know?

Q. (By Mr. Martin) Who conducted the meetings?

A. Well, different ones. Gordon Rosen was chairman most of the time, Lee Arnold and the steward.

Q. Were you? A. No, sir.

Q. Where were these meetings held?

A. In the sailors' mess room.

Q. When were they held?

A. They was held of an evening or on Saturday afternoon or Sunday whenever—we rotated them so that the men on watch [646] on this watch here would be able to be at the next meeting. If we had them on the 4:00 to 8:00 watch, then we would have the next meeting on the 8:00 to 12:00 so that each watch could attend the meeting each time we held it.

Q. Well, do I understand that one shift would miss a meeting each week? A. Yes, sir.

Q. Do I understand that you tried to plan the meetings so that the other two shifts could attend each meeting? A. Yes, sir.

Q. Who attended the meetings on Saturday and Sunday?

(Testimony of Clarence Buckless.)

A. Well, it will work out practically the same, because Saturday afternoon and Sunday the men don't have to work; that is, there is no working done at all, only standing watches as they would at night.

Q. Would more attend on Saturday and Sunday?  
A. No, sir, the same amount.

Q. What was your job on the boat at this time?

A. Boatswain.

Q. What are the boatswain's duties on Saturday afternoon and Sunday on the water?

A. Wash dirty clothes.

Trial Examiner Myers: That wasn't a duty, was it?

A. There is no duties at all to perform for the boatswain.

Q. (By Mr. Martin) No duties? [647]

A. No, sir.

Q. Did you ever see the captain while one of these meetings was being held?

A. Yes, sir.

Q. Where was the captain?

A. He came back to the mess room—well, he came back aft looking for the chief pumpman, the first pumpman. He couldn't find him in his room. So he walked around the passageways until he came to the mess room and he found us all gathered in there and he asked if the first pumpman was in there, Lee Holmes.

Lee spoke up and he says, "Yes."

(Testimony of Clarence Buckless.)

So he asked him to come out on deck. I believe he had some work for him to do.

Q. Did Lee go out? A. Lee did.

Q. Did the captain leave? A. Yes, sir.

Q. Do you remember who was presiding at that meeting? Who was chairman of the meeting?

A. I believe the steward was.

Q. Are you sure?

A. I am not positive, no, sir.

Q. What was the steward's name?

A. Jensen, I believe.

Q. How many ports did the boat stop at in Spain? [648] A. Three.

Q. Can you name them in order?

A. I believe so. La Corona was the first one, Bilbao was the second, and Pasjes was the third.

Q. While the boat was at any of these ports did you have any discussion or discussions with any officer or officers concerning grievances?

A. Well, we did. I did.

Q. You personally?

A. Well, we all—we really all got together on this. The captain didn't want to give us shore leave.

Q. Where?

A. At Bilbao. So we called a little meeting and delegated, I believe it was Rosen and an ordinary seaman—I forget his name now—to talk to the captain.

Q. Did you talk to the captain?

(Testimony of Clarence Buckless.)

A. No, sir.

Q. Did you talk with the mate? A. Yes.

Q. About that? A. Yes sir.

Q. Do you remember that conversation?

A. Well, I asked him if he thought we were going to get shore leave and he says, "I don't know. Why don't you ask the captain?" He says, "He will give it to you, I think, if you [649] ask him."

That was about all that was said.

Q. Did you inform the mate whether you were speaking as boatswain or as an individual or as a representative of the crew?

A. Well, no. At that time we were only carrying on the conversation that time ourselves.

Q. Did the "Nevada" return from Spain to Port Arthur?

A. No, sir. Cat Island or Port Texaco.

Q. And from there?

A. From there to Port Arthur.

Q. Did you have any union meetings on this trip from Spain to Port Arthur?

A. Yes, sir.

Q. About how many? A. About three.

Q. Who called them? A. I did.

Q. Who presided?

A. Well, one of those three that I mentioned, Lee Arnold, Gordon Rosen, or the steward Jensen.

Q. Were any of the officers of the ship present?

A. No, sir.



(Testimony of Clarence Buckless.)

Q. Did you have a meeting between Cat Island and Port Arthur? [650]

A. We had a small meeting or a discussion more over overtime at Cat Island. I believe that was on Saturday afternoon and Sunday there. The captain refused to pay us overtime. First of all was that the mate came around checking our overtime. He asked Gordon Rosen, I believe, first. He was standing there beside me on the forward part of the ship. We were down in the No. 1 cargo hold, and he asked him how much overtime he had. So Gordon give him the number of hours he had and he said that wasn't right. So he said he had so many hours and Gordon asked him, he says, "How about that overtime at Cat Island?"

And he says, "I don't believe you get that."

So he turned to me and asked me how much overtime I had. [651]

Q. The mate?

A. Yes, sir.

I said, "I have eleven hours at Cat Island and three hours, I believe, besides that." I forget just how much I did have. I know I had eleven hours there.

"Well," he says, "You will have to see the captain about that I think."

And he went back aft to check up with the rest of the boys in the forecastle; that is, those off watch, and they all asked for it too. So on his way back—well, he had went up and seen the captain in the meantime and he came down from the

(Testimony of Clarence Buckless.)

bridge and he told me the captain wanted to see me about this overtime. So I went up and talked with him.

He said, "What do you mean putting in for overtime at Cat Island?"

I said, "Well, it was Saturday afternoon and Sunday and we were all on watch." I said, "The company says that they will pay it." I said, "I think we should have it."

"Well," he said, "I am not going to pay it."

"Well," I said, "Everybody in the crew all expects it."

"Well," he says, "You go back aft and tell all those who expect it to come up here and see me."

So I went back and told all the boys who expected this overtime to come up on the bridge, which we did.

Before we went up we decided on spokesmen; it was Gordon [652] Rosen, Lee Arnold and myself was appointed spokesmen for the crew.

Well I started in. I says, "Here is the boys. The boys is all here now, Captain. I believe we would like to hear what you have to say about the overtime."

Well he said he wasn't going to pay it.

And then Gordon Rosen spoke up and he said it was in the Texas rules in the messroom that they would pay overtime on Saturday afternoon and Sunday with the ship at anchor, and then Lee Arn-

(Testimony of Clarence Buckless.)

old said something—I forget just what he did say—and the captain asked him if he could see good.

He said, “Yes, sir.”

So he took him in the chart room and showed him where we were lying approximately eight miles at sea.

Q. When?           A. At Cat Island.

Q. At Cat Island?

A. Yes, sir, as I seen myself on the chart and Gordon Rosen. Well, the whole three of us was there and seen it.

Q. What did the working rules provide if the boat was at sea?

A. It said at anchor Saturday afternoon and Sunday was to be paid and that is what we were, at anchor.

Trial Examiner Myers: You were at anchor?

A. Yes, sir. This was the day before we got into Port Arthur. [653] On the arrival I believe the captain talked with Captain Hand about it and the following day we were up in Port Neches and the captain called the crew up then and he said, “Boys, I have been permitted——”

No. “I have been——”

Well, he was told to pay the overtime, which he did, but he said that I wasn’t supposed to get any. He says, “A boatswain is off Saturday afternoon and Sunday.”

“Well,” I said, “The mate had me on watch. He put me on watch Friday night and he knocked me

(Testimony of Clarence Buckless.)

off at noon." I said, "He said, 'You go on the 4:00 to 8:00 watch and continue on it until we leave Cat Island.' " Which I did, and we left there on Sunday afternoon. That give me Saturday evening, 4:00 to 8:00, Sunday morning, 4:00 to 8:00, and in the afternoon three hours, which give me eleven hours at Cat Island. So then he paid me then when I told him I was on watch at that time.

That concluded that.

Mr. Pipkin: Was the answer that he did pay you?      A. Yes, sir.

Q. (By Mr. Martin) What was the captain's name?      A. Swanson.

Q. Mr. Buckless, are you sure this discussion or series of discussions took place at the end of the Spanish trip?

A. No. No, I don't believe it did. I think that was the [654] following trip after the Spanish trip that this took place.

Q. Where did you go on that trip? The trip following the Spanish trip, where did you go? Where did you go following the Spanish trip?

A. We went to New Haven, Connecticut, I believe. I am pretty sure it was New Haven, Connecticut.

Q. And then?      A. And then to Cat Island.

Q. And then?

A. Port Arthur, and that was the trip that we had the discussion on this overtime.

(Testimony of Clarence Buckless.)

Q. Was there any discussion that trip about retroactive wages?      A. Just——

Q. (Interrupting) Will you please relate it?

A. On the way north the mate told me first that we had back pay coming to us; that the captain was going to pay us that evening. So I sent the rumor around then to all the boys that we were going to get our back pay on that Spanish trip this evening. Well, it came evening and no reply from the Captain. The next day everybody was all upset over it and we found out that it was just the licensed personnel department was the ones that got it, the mates, and engineers was the only men that got it. So then we called a meeting.

Q. Who called the meeting? [655]

A. I did; to see what the rest of the crew thought of it. They thought of writing a letter, a telegram, or going to the captain to see about it. So they suggested that two delegates go up to the captain and ask him what he knew about it or if he had any authority to pay us or not to pay us. So Lee Holmes was delegate for the engineer's department and him and I was elected to go up to see the captain. [656]

Q. You were representing the deck department?

A. Yes, sir, I was representing the deck department.

Though I went up and asked him or Lee Arnold and I asked him and he said he had no authority to give us any back pay, but he did the engineers and



(Testimony of Clarence Buckless.)

mates, the licensed personnel. So then we had another meeting. I called it and at this meeting decided to send a telegram to Mr. Roney, which we did.

Q. What did the telegram say?

A. Well, I really couldn't word it right now and I have no duplicate of it.

Q. What was it about?

A. Well, we were asking him why we didn't get our back pay as well as sailors on the other ships of the same company were getting. They were already getting it and he hadn't gotten it and we hadn't gotten it and I thought that we should get it and all the rest of the crew did.

Q. How was the telegram signed?

A. Signed, "Crew SS 'Nevada'."

Q. Where did you send it from?

A. I sent it from the telegraph office in New Haven, Connecticut, myself.

Q. To whom was it addressed?

A. J. P. Roney.

Q. Do you remember the address? [657]

A. Not exactly. Marine Department.

Q. In what city?

A. In New York. I can't think of it right now.

On the return trip to Port Arthur we got a letter from Mr. Roney in answer to that telegram and he said——

Mr. Van Dusen: Just a minute. I think the letter is the best evidence.

(Testimony of Clarence Buckless.)

A. I believe the letter is still aboard the "Nevada".

Trial Examiner Myers: I beg your pardon.

A. I believe the letter is still aboard the "Nevada", or was.

Mr. Van Dusen: Well, Mr. Buckless just testified that he got a reply from Mr. Roney to his telegram.

Trial Examiner Myers: Well, have you got a copy of the letter? He says he hasn't got the original.

Mr. Van Dusen: Well, what did you do with the original, Mr. Buckless? Wasn't it addressed to the crew?

A. It was addressed to the crew. Therefore, I had no right to take it off the ship.

Mr. Van Dusen: Well, how did it get to you? Did you see it?

A. Certainly.

Mr. Van Dusen: What did you do with it? Who showed it to you?

A. I opened it myself. Me, being delegate for the crew or for the deck department, I received the letter and opened [658] it and read it at the following meeting.

Mr. Van Dusen: To whom did you deliver it then?

A. I put it on the bulletin board so that everybody could see it.

Mr. Van Dusen: You left it on the bulletin board?

A. Yes, sir.

(Testimony of Clarence Buckless.)

Mr. Van Dusen: I never saw the letter.

Trial Examiner Myers: Will you tell us what you remember of the letter, Mr. Buckless?

A. Well, the letter was addressed to the crew of the SS "Nevada" and he stated some words in there that I couldn't remember at all.

Trial Examiner Myers: What did he tell you? That you couldn't get the fifty dollars or couldn't get the increase in the wages rather?

A. The increase in the wages, he said we couldn't get it. That we would get it the first of April and not until then.

Mr. Van Dusen: I didn't hear that.

A. We would get it the first of April and not until then.

Mr. Van Dusen: Oh, that you would get it.

A. That our raise in pay would start the first of April; that the licensed personnel, they looked after them first.

Mr. Van Dusen: Do you know the approximate date of that letter?

A. No, I really don't. No, I couldn't say. [659]

Mr. Van Dusen: Well, do you know the date you sent the telegram signed "SS 'Nevada' "?

A. No, I don't.

Trial Examiner Myers: Do you know what month it was?

A. I could tell very near it.

Mr. Van Dusen: It must have been prior to April if he said——

(Testimony of Clarence Buckless.)

A. (Interrupting) It was in March, I believe.

Mr. Van Dusen: March?

A. The last of March or the first of April.

Mr. Van Dusen: Of this year? 1938?

A. Yes, sir.

Q. (By Mr. Martin) Now, Mr. Buckless, to go back to the return from Spain on your Spanish trip, when the boat was coming back from Spain to the United States, did you have any discussions concerning bonus? A. Yes, sir.

Q. Tell us about those.

A. Well, we had heard or knew of other ships going in the war zone was getting fifty dollars a port. We thought that we were entitled to it. So, on the return from Spain we asked Captain Hand if we would get it.

He said, "No," only getting fifty dollars a trip.

Q. Did you have a meeting concerning this?

A. Yes, sir. [660]

Q. What did you decide to do at that meeting?

A. Well, we had the meeting and Gordon Rosen, Lee Holmes, Lee Arnold and myself were delegated to contact the captain, Captain Hand as we called him.

Q. Captain Hand?

A. Yes, sir, about the bonus.

Q. I beg your pardon.

A. About the bonus.

Q. Did you talk with the captain of the boat about it? A. No, sir.

(Testimony of Clarence Buckless.)

Q. Did you talk with the mate about it?

A. No, sir.

Q. But you talked with Captain Hand about it?

A. Yes, sir.

Q. Who was present?

A. Gordon Rosen, Lee Arnold, and Lee Holmes.

Q. And yourself?           A. Yes, sir.

Q. And Captain Hand?       A. Yes, sir.

Q. Anybody else?

A. I believe the wireless operator.

Q. When did the conversation take place?

A. On the salon deck of the SS "Nevada".

Q. Where was the SS "Nevada"? [661]

A. Tied up at the dock at Texas Island, Port Arthur, Texas.

Q. At the conclusion of the Spanish trip?

A. Yes, sir.

Q. Do you remember substantially what was said in that conversation?       A. Yes.

Q. Please relate it.

A. Captain Hand then told us that we had a raise in pay. Well, I couldn't remember now just all the coincidences that did happen.

Q. Well, what did you ask for in this conversation?       A. We asked for \$50.00 a port.

Q. Instead of what?

A. Instead of \$50.00 a trip.

Q. Did Captain Hand agree that you could have your request?       A. No.

Q. He refused it?



(Testimony of Clarence Buckless.)

A. He refused it but he said he would give it if other companies were giving it or if the Maritime Commission ships were giving it that he would give it.

Q. Did you tell Captain Hand you were speaking solely for yourselves?

A. No, sir, we were speaking for the crew of the SS "Nevada".

Q. Did you tell him that?                      A. Yes, sir.  
[662]

Q. Where did the boat go on your last trip with the "Nevada"?

A. From Port Arthur to Cat Island and back to Port Arthur. [663]

Q. Do you remember the date when it returned to Port Arthur at the conclusion of that trip?

A. Yes. That was the 18th day of April.

Q. What year?                      A. 1938.

Q. Approximately what time did the boat arrive at Port Arthur?

A. It arrived in the forenoon around 8:00 o'clock; between 8:00 and 9:00, I believe.

Q. In the morning or afternoon?

A. In the morning.

Mr. Martin: May we have a three minute recess, Mr. Examiner?

Trial Examiner Myers: At the request of counsel for the Board we will take a five minute recess.

(Short recess.)

Q. (By Mr. Martin) Mr. Buckless, approxi-

(Testimony of Clarence Buckless.)

mately when that day did the crew draw its pay?

A. Approximately 10:00 o'clock in the forenoon.

Q. Were all the men paid that day?

A. You mean when I was? Or before?

Q. Yes.

A. No, they were all being paid. We were lined up and I was in the line and they were getting paid.

Q. Were there any men working at this time?

[664]

A. Yes, sir.

Q. Was the shift still working?

A. Yes, sir.

Q. Until what time?

A. Well, they worked their four hours, but while they were paying off they were sending another man in their place to relieve them while they got paid off. Like if you were on the 8:00 to 12:00, then either the 4:00 to 8:00 or the 12:00 to 4:00 would relieve the man for ten minutes; five or ten minutes, whatever it took; while he was being paid.

Q. I see. Was every man given a certificate of discharge as he was paid off that day?

A. No, sir.

Q. Who was? A. I was.

Q. Who else?

A. Another man by the name of Pleasant Linville, as I understand.

Q. Did anybody receive a certificate of discharge who hadn't quit or been fired?

(Testimony of Clarence Buckless.)

A. No, sir, not that I know of. It is not customary to do that unless you are fired or quit yourself on your own accord.

Q. To your knowledge did any others receive certificates of discharge that day except you and Pleasant Linville? [665]

A. None to my knowledge.

Q. Who handed you your certificate of discharge? A. The captain.

Q. Did he say anything to you before he handed you the certificate?

A. He gave me my money and then he handed me the certificate of discharge and told me he had another man in my place.

Q. What did you say? A. Well I was——

Q. Strike that. When the captain said that how did you feel?

A. Well, I didn't feel very good. I didn't know what to say. Then I asked him, I said, "Do you mean that I am fired, Captain?"

He says, "Yes."

"Well," I says, "what for?"

He said, "For bringing beer aboard the ship."

Q. What did he say?

A. He says, "For bringing that beer aboard the ship I told you not to bring."

Q. "For bringing that beer aboard the ship that I told you not to bring"?

A. Yes, sir. So I told him that I didn't bring that beer aboard the ship and I walked away. [666]

(Testimony of Clarence Buckless.)

Q. Did he say anything else?

A. No, I think that is all that was said at that time.

Q. What did you do then?

A. Well, I went out on the salon deck and I see the mate down on the well deck. So I went down and seen him.

I said, "Mate, I am fired."

He said, "What? You are fired?"

I said, "Yes, sir."

Q. Did he seemed surprised?

A. Yes, he did.

And then he said, "It is funny that the captain would fire a boatswain and not let the mate know it."

Q. What did you say?

A. Well, I said, "It has been done."

So I went back and started to pack my clothes and then I came back and I seen the mate.

I said, "Mate, should I quit now or work until noon? You have a lot of work to do, a lot of drums to put away and all these fenders. Would you want me to work until noon or should I quit now?"

He said, "I wish you would work until noon," which I did.

I worked until noon and then quit.

Q. And then left the boat? A. Yes, sir.

Q. Do I understand you to say that after you talked with the [667] mate on the well deck when you came down from the captain's room you went

(Testimony of Clarence Buckless.)

to your room?           A. Yes, sir.

Q. Did you see any members of the crew on the way?

A. Yes. I seen several of them and told them of my downfall. Well, they wanted to set the ship down.

Q. Did they seem excited about it?

A. Yes, they did.

Q. About the fact that you had been discharged?

A. Yes, sir. Well, I told them that I thought that it would be better if they stayed aboard the ship and not say anything and I would file my case with the National Labor Board as I was fired for nothing but union activities as far as I could see; they knew that I was delegate on that ship and there had been rumors around before that that I was getting short on there.

Mr. Van Dusen: I move to strike it out as not responsive and as not made in the presence of an officer of the ship.

Trial Examiner Myers: Motion denied.

Mr. Van Dusen: Exception.

Q. (By Mr. Martin) How much were you earning per month at this time?

A. \$100.00 plus overtime.

Q. And board and room? [668]

A. Yes, sir.

Q. Plus board and room?

A. Plus board and room and overtime.

Q. Mr. Buckless, do you remember how much



(Testimony of Clarence Buckless.)

you were receiving from the "Ayrian" at the time of your discharge?

A. \$80.00, I believe, was my pay at that time. Yes, \$80.00 as an A. B.

Q. Plus overtime?

A. Plus overtime. No. I wasn't getting no overtime in the "Ayrian".

Trial Examiner Myers: Did you do any overtime work? A. Yes, sir.

Q. (By Mr. Martin) Plus room and board?

A. Room and board.

Q. Do I understand, Mr. Buckless, that Pleasant Linville received a certificate of discharge the same day you did? A. Yes, sir.

Q. Did I understand your testimony also to be that Pleasant Linville was the boatswain who was fired just before you became boatswain?

A. Yes, sir, and rehired as an ordinary seaman on the trip back from Spain.

Q. When was he rehired?

A. No. The second trip, I think it was. After the trip to Spain we made another trip and at the end of that trip he was [669] hired as an ordinary seaman.

Q. Not as a boatswain?

A. No, as ordinary seaman.

Q. Did that place Mr. Linville as your inferior in rank? A. Sir?

Q. Did that make you Mr. Linville's boss?

A. Yes, sir. He was mine at first the first week

(Testimony of Clarence Buckless.)

and then as he came back to the ship I was his.

Q. Do you remember the day Mr. Linville was taken on as an ordinary seaman?

A. I remember the day. I couldn't say the date.

Q. Do you remember what happened that day?

A. I remember him talking with the mate quite a while.

Q. Whom did Mr. Linville replace?

A. He replaced an ordinary that had a sore ankle or something.

Q. Do you remember his name?

A. Lyons.

Q. Lyons?

A. Yes, sir, I believe Lyons is the name. [670]

Q. When Mr. Pleasant Linville boarded the "Nevada" at the trip to Spain did you have a discussion with him?      A. No, nothing.

Q. Ordinary seaman Linville?

A. No, sir.

Q. Did you see him standing near the mess-room?      A. No, sir.

Q. Did you put him to work?

A. Yes, sir.

Q. What did you have him do?

A. I put him on—they have a regular watch. I think it was the eight to twelve watch.

Q. Did you have a discussion with the mate Tranberg concerning this new ordinary seaman?

A. No, sir.

(Testimony of Clarence Buckless.)

Q. Mr. Buckless, do you remember an ordinary seaman named Patrick Dalton?

A. Yes, sir.

Q. When did he come aboard the ship?

A. I just couldn't tell you the date. He came on the ship the trip we made New Haven, Connecticut.

Q. Do you remember the time he came aboard?

A. Very well.

Q. Will you tell us what happened that day?

A. He came aboard in the morning ready to sail, and he [671] wanted to know where the boss was.

Q. Who?

A. Where the boss was. So somebody notified me that there was a man in the passageway that wanted to see me. So I went out and asked him what he wanted, asked him what he was. He said: "I am an ordinary seaman." I said: "Have you a Union book." And he pulled out one of these Fink, better known as Copeland books.

Trial Examiner Myers: What?

A. Fink, I believe they call them.

Q. What do they mean?

A. I just couldn't explain that.

Q. It was not a Union book?

A. No. So I said: "That doesn't go here. This ship is 100 per cent Union, and we don't want anybody on here but Union men." Just then the mate stepped in the passageway, and he wanted to know, "What is the matter." And I said: "This man

(Testimony of Clarence Buckless.)

hasn't got a Union book, so I suggested he should go ashore with his suitcase." And the mate said: "No, you go on back in the forecastle and change your clothes and come out here on deck," which he did. And he told me to get the gang out.

Q. Who told you to get the gang out?

A. The mate. And I said: "I will be done with my breakfast in just a minute, and do that." It was just before [672] eight o'clock. Which I did. So I turned the men to, and I asked this fellow to do a few things and he didn't know what to do. He stood there and looked at me; and I asked him if he was ever on a ship before, and he said, "No." We were just taking top lifts down for the cargo aboard and I said: "Can you tie a knot?" And he said: "I can learn." And I said: "You get down here and I will show you how to tie this knot, and I will give you three more rope yarns, and you put them on there, if it takes you until five o'clock at night." And the mate was standing over me, I didn't notice him at the time, and he told me to be a little easy on the fellow, that he would no doubt learn. And I said I doubted it; and he smiled, and I smiled back. He continued on, and I came back about an hour later, and he was still tying that knot. So I didn't feel very good about it anyway——

Q. Why didn't you?

A. Well, it made more work for me.

Q. What did?

A. Well, I would have to go and do his work

(Testimony of Clarence Buckless.)

and mine too. So I tied this, and I said: "You see that man with the white hat on. You follow that man, and if he jumps over the side, you jump too."

Q. Who was the man with the white hat?

A. The chief mate. And he followed him around for about [673] five minutes, and the mate then came to me and he said: "Boatswain, what is the idea?" I said: "Well, he is no good to me. He doesn't know nothing. You fired a good sailor and took this man. He has never been to sea, and not even a Union man, and so this is what you get. The work is all on me now."

Q. Did you smile?                    A. Yes.

Q. Did the mate?

A. He did. I didn't smile at first, but I just had to smile. We both smiled at one another. And he said: "Get him a pot of paint and see if he can paint one of these winches."

Q. Did the mate seem sore about it?

A. No. He said it with a smile.

Q. Who was the good man you told him he had fired?

A. Lee Harmon. Herman Lee was the man's name.

Q. Was he a good man?

A. He was a very good ordinary; an extra good ordinary, and a good Union man.

Q. Mr. Buckless, will you say that this episode was typical of the relationship between you and Mate Tranberg?                    A. Yes, sir.



(Testimony of Clarence Buckless.)

Mr. Williams: I don't see the relevancy.

Trial Examiner Myers: Wait now. Strike out that answer for the time being. [674]

Mr. Williams: I don't see the relevancy in his question, singling out an episode that happened.

Mr. Martin: I asked him if it was typical.

Mr. Williams: No relevancy.

Trial Examiner Myers: What is the purpose?

Mr. Martin: The purpose is to show through an episode, rather than through direct questioning, the friendly relationship existing between the mate and the boatswain. [675]

Trial Examiner Myers: Motion denied.

Q. (By Mr. Martin) Please answer.

Mr. Williams: Note our exception.

A. Could I hear the question again?

Trial Examiner Myers: He said yes.

(The question was read by the reporter.)

A. Yes, sir, it was.

Q. (By Mr. Martin) Mr. Buckless, while you were boatswain on the "Nevada" was your work ever criticized? A. No, sir.

Trial Examiner Myers: Adversely?

A. No, sir.

Q. Do you know what adverse means? Did they complain about your work?

A. No, never did. I never had a word said to me that it was wrong in any way.

Q. (By Mr. Martin) Were you assigned any special duties while you were aboard?

(Testimony of Clarence Buckless.)

A. Yes. I made a pilot ladder on the way to Spain.

Q. Didn't the mate tell you to?

A. Yes, sir. He asked me if I could make one, and I told him I could. And he told me where the gear was and everything, and I went ahead and made it; and he thought it was a very good job, one of the best pilot ladders he had ever seen.

Q. Was it one of the best you had ever seen?

[676]

A. Yes, I believe it was.

Q. In over twenty years at sea?

A. Even if I made it myself, it was.

Q. Did the mate generally follow the suggestions of his boatswain?

A. At times. I would suggest things, and he would carry them out; and a lot of times, in the morning I always got my orders, and he would ask me what my idea was of the day's work, and I would suggest it; and he would say, go ahead. In fact, it was most of the time that way.

Q. How about if somebody wanted a little time off?

A. Well, a whole lot of times such as—well, if we were in port, if it was raining, or snowing up north, or something that we couldn't do much work out on deck, I would suggest that he let the boys go ashore, which he would do. He said he would like to have one, if there was one not going ashore, that he would like to have him stick around, in case there

(Testimony of Clarence Buckless.)

was something to be done, stores or something, but he was always very good about things like that.

Q. Was Gordon Rosen on the "Nevada" working under you?      A. Yes, sir.

Q. Were you his boss?      A. Yes, sir.

Q. Who was your boss?

A. The chief mate. [677]

Q. What was his name?

A. Carl Tranberg.

Q. Did chief mate Tranberg ever complain to you of Rosen's seamanship?      A. Never did.

Q. Did he ever say that a specific job Rosen had done was poorly done?      A. No, he never did.

Q. Did he ever say Rosen is loafing on the job?

A. Never.

Q. Did he ever ask you if you thought Rosen was loafing on the job?      A. No.

Q. Did he ever ask you if you thought Rosen was doing a poor job at his duties?

A. No, sir.

Q. Did Tranberg ever tell you that Rosen was in his bunk playing cards?      A. No, sir.

Q. Did Tranberg ever send you back to the bunk to get Rosen?      A. No, sir.

Q. Did Rosen ever fail to appear when he was supposed to be on watch?

A. Never did. In the day time while he was under me, he never did. [678]

Q. When was he under you?

(Testimony of Clarence Buckless.)

A. He was under me every day from 8:00 to 12:00 o'clock.

Q. As boatswain what were your off hours?

A. From 8:00 to 12:00 and 1:00 to 5:00 in the week days, and Saturday afternoon and Sunday off.

Q. That is at sea? A. At sea or in port.

Q. Were you in direct charge of Rosen's activities during his morning shift from 8:00 to 12:00 a. m.?

A. Yes, sir.

Q. Was Rosen willing or unwilling to do things that you, his boss, directed him to do?

A. Willing.

Q. Did he do the things you told him to do?

A. Yes, sir.

Q. Did he loaf on the job?

A. Never did. In fact, I have had him in places where he could have, and watched him, and he never did.

Q. Can you tell me of such an instance?

A. Well, one time I had him painting where I could look down through the hatch on top, and he couldn't even see me, and I never caught him loafing.

Q. Did you go and look once in a while?

A. I did.

Q. Through the hatch? [679]

A. Yes, sir.

Q. What for?

A. To see how he was getting along with his work, if he was pretty near done.

(Testimony of Clarence Buckless.)

Q. Did you go to see if he was loafing?

A. No. I never thought I had to do that.

Q. Why not?

A. Because I didn't think I had to do that, because I never caught him loafing.

Q. Did Mr. Rosen take pride in his work?

A. Yes, sir.

Q. Did he do hard work?

A. He used to do the hardest, what I would call the hardest work, such as going aloft, rigging gear on the smokestack to be painted, and the masts, and most of the splicing.

Q. Would you send him aloft?

A. Yes, sir.

Q. Why?

A. Well, he was, I figured, the best man to be sent aloft.

Q. Did he want to go aloft?

A. Yes, I believe he did.

Q. Did he ask you to go aloft?

A. Not right out. He was always willing though.

Q. Was he ever anxious?

A. He would ask me if I wanted him to go, and I said, yes, [680] if you care to go.

Q. Mr. Buckless, what did you say the captain said to you just after he handed you your certificate of discharge from the "Nevada"?

A. He said he had another man in my place.

Q. What did you say to him?



(Testimony of Clarence Buckless.)

A. I asked him if I was fired, and he said: "Yes."

I says: "For what reason?"

And he said: "For bringing that beer aboard that I told you not to bring."

Q. What beer do you think he was referring to?

A. I was carrying some beer aboard down at Texas Island; that is, I was carrying it in on the dock, and he was going out to the gate, and I was going in, and he saw that I had some beer.

Q. How much beer?           A. A case.

Q. A case?

A. Yes, sir. And he says: "Don't take that aboard the ship." And I said: "All right, sir." And he kept on going, and I put the beer in the shed. We had some sheds along there for cargo and drums of oil and such; and the beer didn't belong to me, in the first place; and so I reported this to the man that the beer belonged to, and he took care of it. [681]

Trial Examiner Myers: Who was the man? Was he an officer?           A. No, sir.

Q. One of the mates?           A. No.

Q. Go ahead?

A. I would rather not tell the man's name. I guess the man might not mind, either.

Q. What is his name?           A. Hart.

Q. Who?           A. George Hart.

Q. (By Mr. Martin) Who?

A. George Hart.

(Testimony of Clarence Buckless.)

Q. Is that Quartermaster Hart?

A. Yes, sir.

Trial Examiner Myers: Did the beer eventually get aboard? A. Not that I know of.

Q. (By Mr. Martin) Can you tell us on what trip this took place?

A. This took place the day before we sailed for Cat Island, that last voyage we made.

Q. The day before you sailed——

A. For Cat Island. [682]

Q. And where did this take place?

A. Texas Island, Port Arthur, Texas Oil Company.

Q. That is, it took place at The Texas Company dock? A. Yes, sir.

Q. At Port Arthur, Texas?

A. Yes, sir. They call that Texas Island, where the ships dock at.

Q. I see. Did I understand you to say that you left the beer on the dock and went aboard the ship yourself? A. Yes, sir.

Q. Didn't take the beer on? A. No, sir.

Q. Then or ever? A. No, sir.

Q. Or ever? A. Or ever.

Q. Did you ever see the beer brought aboard?

A. I never did.

Trial Examiner Myers: Did you see it on board afterwards? A. I did not.

Q. Do you know what happened to the beer?

A. No, I don't. I never even asked George.

(Testimony of Clarence Buckless.)

Q. Did you tell Hart?

A. I did. I told him where it was.

Q. Did you tell him that the captain told you not to bring it [683] on board?

A. I did. And he said then: "I hadn't even better take a chance myself." Whether he left the beer there or whether he took it aboard, I don't know.

Q. Had the captain ever mentioned beer to you between this time and the time he mentioned it when you received your certificate of discharge?

A. Never did.

Q. After the captain spoke to you out there on the dock that morning at Texas Island about the beer how long was it after that before the boat sailed from that dock?

A. The following morning.

Q. At what time?

A. I really couldn't say. It was between 8:00 and 10:00 o'clock I believe; around 8:00 o'clock.

Q. What time was it when the captain spoke to you about the beer on the dock?

A. It was between 12:00 and 1:00 o'clock.

Q. And the boat sailed the next morning about 8:00?

A. Yes, sir.

Q. Do you remember seeing the captain any time during that period from about 12:00 one day to 8:00 the next?

A. No, sir.

Q. You didn't see him?

A. I never saw him until the next morning we

(Testimony of Clarence Buckless.)

sailed. I saw [684] him on the bridge. I was in the forecastle; not talking with him.

Q. Did he come up to you? A. No, sir.

Q. You didn't talk with him? A. No, sir.

Q. He didn't ask you whether you brought the beer aboard? A. No, sir.

Q. During that period between 12:00 noon and 8:00 a. m. did you talk with the mate?

A. No, sir. I might have talked with him on line of duty.

Q. Did he give you any orders?

A. No. He gave me orders that morning what to do.

Q. Did the mate ask you if you brought any beer aboard? A. No, sir.

Q. Did he make any mention of beer?

A. I asked him if I could before; I even went out after it.

Q. What did he say?

A. He said it was immaterial; he couldn't tell me to do it or not to do it.

Q. During this period between 12:00 noon and 8:00 a. m., did he ask you if you had brought any aboard? A. No, sir.

Q. Did any officer of the vessel?

A. No, sir. [685]

Q. Did any officer of The Texas Company, Marine Division? A. No, sir.

Q. Mr. Meyer or Mr. Hand? A. No, sir.

Q. Mr. Buckless, while you were on the "Ne-

(Testimony of Clarence Buckless.)

vada", that is, during the period you were working for the "Nevada", on the boat and on the docks when you would be docked, did the captain in any other instance tell you not to bring beer aboard the ship?      A. Never did.

Trial Examiner Myers: Was drinking permitted on board the ship?

A. I really don't know. I don't believe it is, as the Captain says no. The captain I believe is the man that permits it or doesn't permit it. He never said nothing to me about it.

Q. Did you ever see any drinking aboard ship?

A. Yes.

Q. Openly?

A. Yes. I don't believe I ever seen a ship yet that didn't have drinking.

Q. Did they have any drinking aboard the "Nevada"?      A. Yes, sir.

Q. Prior to this time?      A. Yes. [686]

Q. And about this time?

A. Well, I was fired when we came back on Cat Island, so I don't know; and we couldn't get nothing to drink over there. We couldn't even go ashore.

Q. Mr. Buckless, do you know whether Pleasant Linville was a member of any union when he was aboard the "Nevada" as an ordinary seaman?

A. I believe, yes, he was a member of the N. M. U.

Q. He was?



(Testimony of Clarence Buckless.)

A. Yes, sir. As I understand, he joined at Galveston while being on that boat his first trip.

Q. How many trips had he made as ordinary seaman when he was fired?

A. I believe it was just that one, from Port Arthur to Claymont, Delaware, and from Claymont to New Orleans, and from New Orleans to Port Arthur, if I am not mistaken.

Q. Did he make the trip from Port Arthur to Cat Island?      A. Yes, sir.

Q. Was he fired then at the end of his first trip or at the end of his second trip?

A. At the end of his second trip.

Q. Now, during those two trips that Mr. Linville was aboard the "Nevada" as ordinary seaman would you say that he was an active union man?

A. Just ordinarily. [687]

Q. Was he a delegate?      A. No, sir.

Q. Did you ever see him talk with the mate or the captain?      A. No, I don't believe I ever did.

Q. Now, Mr. Buckless, did I understand you to testify that you worked on the SS "Washington" from about February 20, 1937 to March 8, 1937?

A. Yes, sir.

Q. A period of approximately eighteen days?

A. Similar to that.

Q. And did I understand you correctly to say that you did not engage in any union activities during that period on the SS "Washington"?

A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. Did you say why you left the SS "Washington"?

A. Yes, sir.

Q. Why was that?

A. I had a sore eye.

Q. You left for medical reasons?

A. Medical treatment.

Q. Who was captain of the "Washington" at that time?

A. Bergman.

Q. Who was first mate?

A. I can't think of his name. He was a short time on there. [688]

Q. Who was second mate?

A. Sweeney, Mr. Sweeney.

Q. Do you know who was third mate?

A. Johnnie Carr.

Q. And do you know who was boatswain?

A. No, I don't know his name. Ripkin was first mate.

Q. Ripkin?

A. Ripkin. I don't know how to spell it.

Q. What was your job on that sailing?

A. Quartermaster.

Q. During that period on the "Washington" was your work ever criticized?

A. No, sir.

Q. Adversely?

A. No, sir.

Q. Did I understand you to say that you later shipped on the SS "Washington"?

A. Yes, sir.

Q. From approximately June 2, 1938, to July 14th, 1938?

A. Yes, sir.

Q. What job did you have this time?

A. Quartermaster.

(Testimony of Clarence Buckless.)

Q. Who was captain this time?

A. Captain Bergman.

Q. Who was first mate? [689] A. Johanson.

Q. Who was second mate?

A. Johnnie Carr.

Q. Who was third mate? A. Round.

Q. Mr. Buckless, when you boarded the "Washington" in 1938, what conditions did you observe on the ship?

A. Well, there were several things——

Mr. Van Dusen: Is this the first trip or the second one?

A. They needed new ventilators, wind chutes, screens for the ventilators, and screen doors, and several different things were needed.

Q. Was there any discussion among the crew about those conditions?

A. Yes. I believe I called a meeting first, a few days out to sea, and then we put in for those things. A man by the name of Zinkiewicz was elected deck delegate. Gordon Rosen ship delegate, and a man by the name of Cain was chairman of the meeting at that time, and the wireless operator was recording secretary.

Q. Was it decided at this meeting to take any action concerning these conditions? A. Yes, sir.

Q. What was decided? [690]

A. It was decided that the delegates go to the captain and ask for these things. I believe they wanted wash buckets. Oh, there were several dif-

(Testimony of Clarence Buckless.)

ferent things. They asked for them, and I believe got them.

Q. Did you take any action in this matter?

A. No. Well, I was at the meeting. I was the one that called the meeting, in the first place.

Q. But you were not a delegate? A. No, sir.

Q. Do you remember a discussion one evening at which the chief engineer was present?

A. Yes, sir.

Q. Who else was present?

A. Some of it. Well, there was Zinkiewicz, Gordon Rosen, myself, the chief engineer, and several others about the deck. Gordon Rosen and I were talking about union matters, and the chief engineer spoke up, and he says:

“Are you one of those guys off the ‘Nevada’, fired off the ‘Nevada’?”

And I said: “Yes, sir.”

And he said: “Tell us about that. I have heard a lot about it, but I haven’t heard the right of it yet.”

I said: “Well, there is not much to tell, only I got fired for union activities, I thought, and filed a complaint with the Labor Board against The Texas Company for doing so.” [691]

And he said: “What do you think you will get out of it?”

And I said: “I am in hopes of getting back pay and restored back to duty on the ‘Nevada’.”

He said: “Don’t you think they will make it hard for you when you get back on the ‘Nevada’, if you do get back?”

(Testimony of Clarence Buckless.)

And I said: "If they do, I can go further than that. I can take it up again, and can take it through the office."

He said: "Well, if I wasn't wanted on a ship, I don't think I would stay on it."

And I told him: "This is something I wouldn't do, is put my tail between my legs and run away like a dog. I will stay there and fight for my right, for I have done my work, and I think there is nothing other than union activity that I got fired for." And I still persist in that.

Q. Do you remember anything else about that conversation?

A. Well, Gordon Rosen then spoke to him, and they had a conversation about the M. E. B. A. was going to hold an election of the engineers of The Texas Company. He said, well he would take care of that himself. And Gordon said: "You know it would put more engineers on, and give you a straight eight hour day, with pay for overtime." And he still insisted that he would look after that himself; that he wanted to hear nothing about it. He said he belonged to a union at one time about twenty years ago, and he said that he was sold out. And Rosen said: "This is not twenty years ago. This is 1938 now. This is a bigger and more democratic [692] union." And he said he didn't think there was any chance for this union to sell out; and he told him he ought to come to some of our meet-



(Testimony of Clarence Buckless.)

ings. And he said he wouldn't, that he was not interested. [693]

Q. Anything else?

A. That is about all I can think of right now. Yes, there was one thing he did say. He said he didn't care if he had a man that was a Wobbly or not working for him. And I said: "I am no Wobbly."

Trial Examiner Myers: What does that expression mean?

A. Well, that is some kind of a union, I believe. I really don't know the whole story of it myself. I have heard a whole lot of Wobblys, but I never belonged to them. He said: "Whether he is a Wobbly or not, all I want of him is eight hours work, and then crawl in his bunk and shut up." And I said: "That is hardly fair to make a man do that. That is not justice."

Q. Did he ask you why you were fired from the "Nevada"? A. Yes.

Q. What did you answer?

A. I told him for union activities.

Q. Did you say anything more?

A. Not that I can recall right now.

Q. What did Mr. Dilbert reply to that, to your statement that you had been fired for union activities?

A. I forget just what the words he used were now.

Q. Did he ask you if that was the reason given

(Testimony of Clarence Buckless.)

you as to why you were fired?

A. No, I don't believe he did. [694]

Trial Examiner Myers: We will recess now until 9:00 o'clock in the morning.

(Whereupon, at 5:05 o'clock p. m., September 15, 1938, the hearing was adjourned to 9:00 o'clock a. m., September 16, 1938.) [695]

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Proceedings

Trial Examiner Myers: Are you ready to proceed?

Mr. Martin: Yes, sir.

CLARENCE BUCKLESS

resumed the stand and testified further as follows:

Direct Examination

(Continued)

Q. (By Mr. Martin) Mr. Buckless, at the close of the testimony yesterday were you testifying concerning a conversation that you and some others had with chief engineer Dilbert?

A. I believe so.

Q. Do you remember whether anything was said in that conversation concerning why Gordon Rosen was fired from the "Nevada"?

A. Well, as I was holding the conversation with Dilbert he asked me why I got fired.

Q. Why you got fired? A. Yes, sir.

Q. What did you say?

(Testimony of Clarence Buckless.)

A. I told him that I was delegate on that ship, and fired for union activity; and the following day, as soon as I left, Gordon Rosen was elected delegate, and the following day he got fired.

Q. You told him that? A. Yes, sir.

Q. Did he say anything then?

A. I really can't recall right now. [697]

Q. Did he say anything about your getting fired or as to why you got fired from the "Nevada"?

Trial Examiner Myers: Give us the substance of the conversation. Of course you can't remember the exact words.

A. No. Well, as we were talking, he says: "What did you get fired for?"

And I says: "I was delegate on that ship, and fired for union activities. And that afternoon or evening, Gordon Rosen was elected delegate, and the following day he got fired, so it was nothing more than union activities that I could see that we were fired for."

Q. (By Mr. Williams) That was your opinion?

A. No, we were talking.

Q. That is the opinion you expressed to Dilbert?

A. It was the only thing.

Q. Was that the opinion you expressed to Dilbert? A. Yes.

Mr. Williams: Then I move that it be stricken.

Trial Examiner Myers: No, he is repeating the conversation he had with the chief engineer. I will deny the motion.

(Testimony of Clarence Buckless.)

What did the chief engineer say? Was that the end of the conversation? Did he just listen to your story, and walk away, or did he say anything?

A. No, there were other things said there at that time, but I just can't bring them out clear now.

[698]

Q. (By Mr. Martin) Mr. Buckless, when did you say you left the "Washington" that time?

A. The last time?

Q. When you received your fifth certificate of discharge.

A. On July 14, I believe; on or about July 14. (The witness consulted notes.) Yes, sir, on or about July 14.

Q. Did you at any time shortly thereafter write an affidavit concerning conversations you had had while aboard the "Washington"?

A. Repeat that question, please.

Trial Examiner Myers: Read the question, Mr. Reporter.

(The question was read by the reporter.)

A. Yes, sir.

Q. About how long thereafter?

A. It was the same day, or the second day after I left the "Washington".

Q. Where did you write this affidavit?

A. At the Union Hall, Port Arthur, Texas.

Q. To your knowledge, do you know whether Port Arthur, Texas, is in Jefferson County?

A. It is, I believe.

(Testimony of Clarence Buckless.)

Q. I hand you an affidavit consisting of two papers, dated Port Arthur, Texas, July 16, 1938, to whom it may concern, and signed Clarence Buckless, and subscribed and sworn to before me the 16th day of July, 1938, Kathleen King, Notary Public, [699] Jefferson County, Texas, and bearing a notarial seal; and I ask you if that is a copy of the affidavit that you made at that time and signed?

A. Yes, sir.

Q. Is that the affidavit?      A. Yes, that is it.

Q. Now I hand you this affidavit and ask you if that refreshes your recollection with respect to any statement by chief engineer Dilbert concerning the reason or reasons why you or Gordon Rosen were fired from the SS "Nevada"?

Mr. Williams: We object to this. It is apparently an effort of counsel to impeach his own witness.

Trial Examiner Myers: To impeach his own witness?

Mr. Williams: The witness has given testimony as to what actually took place there. Now he is trying to get him to change it. I think this has been gone over, I think this has, at least the third time.

Trial Examiner Myers: I will sustain the objection.

Mr. Martin: Note the exception.

Mr. Wright: Mr. Examiner, I would like to except to the ruling of the Examiner, and point out for the record that this man has testified that he is unable to remember any further conversation on



(Testimony of Clarence Buckless.)

this particular subject, and that this is a proper and reasonable effort to refresh his memory with respect to that conversation, with the use of a properly executed [700] affidavit, wherein Mr. Buckless has set forth at the time when he did remember the conversation what actually transpired in that conversation.

Mr. Martin: The evidence that the witness will testify to will be subject to the cross examination of defendant counsel.

Trial Examiner Myers: I will stand by my original ruling.

Q. (By Mr. Martin) Mr. Buckless, have you testified to all you can remember at this time concerning that conversation with Dilbert?

A. No, there are other things that I could think of, I believe.

Trial Examiner Myers: Will you tell us, so that we can go ahead with this hearing?

Q. (By Mr. Martin) Are you going to repeat what you said yesterday?

A. Well, I could, I believe.

Trial Examiner Myers: I think it would be quicker if you will tell us all you remember about that conversation.

Mr. Martin: Mr. Examiner, may I observe that we spent considerable time at the close of yesterday's hearing on this conversation?

Trial Examiner Myers: I am trying to get to another phase of this case.

(Testimony of Clarence Buckless.)

Mr. Martin: Rather than repeat all that happened yester- [701] day——

Trial Examiner Myers: Do you withdraw the question?

Mr. Martin: No. I want to ask the witness if you told us yesterday and this morning all that you at present can remember concerning that conversation? A. At the continuation——

Mr. Williams: We urge the same objection. The witness has looked at some paper and what it says there, and we level the same objection to it.

Trial Examiner Myers: Does that paper just shown you refresh your recollection as to a certain part of the conversation that you omitted before you saw the paper?

A. Not to what I was thinking of. [702]

Q. Will you tell us the story, and let's get over with it. Let's have it now?

A. At the end of this conversation Dilbert and I, he said: "They will never catch me that way. It is mighty stupid of them." And then he said—I followed along with other things that would be the the same things as I said yesterday.

Q. (By Mr. Martin) What was he referring to? A. Referring to me being discharged.

Q. For union activities? A. Yes, sir.

Mr. Williams: Now, we object to counsel testifying, and the witness saying yes.

Trial Examiner Myers: Let me hear that question.

(Testimony of Clarence Buckless.)

(The question was read by the reporter.)

Trial Examiner Myers: What is your motion?

Mr. Williams: I was going to level an objection to it and the witness answered before I could. I move that it be stricken now.

Trial Examiner Myers: I will strike the answer. And hereafter don't answer a question when you see counsel for the company getting up to enter an objection to that question. A. Yes, sir.

Q. (By Mr. Martin) Mr. Buckless, while you were on the "Washington" did you have a discussion with the steward? A. Yes, sir. [703]

Q. Concerning what?

A. Concerning our food aboard the "Washington".

Q. Will you tell us what transpired as nearly as you can remember it?

A. Well, I ran into the steward on the after deck one day, and *he* asked him if we were getting the same food as the officers were amidships. And he said we were. I then asked him if they were getting canned ketchup, as we were in cans, instead of bottles; and if they were getting jam in bulk, instead of glass jars, and pickles in bulk, instead of glass jars.

Q. What did he say?

A. He said: "No, they are getting pure fruit jam," and we were getting it in bulk, that is. imitation; and we were getting ketchup in gallon cans.

And I said: "Is it the custom of The Texas

(Testimony of Clarence Buckless.)

Company that the crew should be fed equal to the officers?"

And he said: "Yes, but they wouldn't appreciate it if they did get it."

And I told him that was not the idea; that was not the custom of The Texas Company to do that, I didn't think. And I asked him if he would give us the same as the officers were getting. So I let it go then.

Q. Did you tell him you were speaking for yourself alone?

A. Yes, sir, and the crew, and in behalf of the crew. We had [704] a little conversation at the mess table about those things, and they asked me to speak to him about it. And nearing the end of the trip I asked him again if we were not going to get ketchup in bottles and fresh fruit jam, the same as the officers were getting; and he said he would see about it. So I told him I would have to take it further if he didn't; that I would take it up with Mr. Hand, or the delegate, and let him look after it.

Q. Anything more?

A. I think that is about all of that.

Q. Did he give you any answer as to what he would do about it?

A. Yes, I believe he said that he would give it to us.

(Testimony of Clarence Buckless.)

Q. Did you take the matter up with Captain Hand?      A. No, sir.

Trial Examiner Myers: Did you eventually get what you wanted?      A. Yes, sir.

Q. (By Mr. Martin) During your period on the "Washington" did you have any discussion with Mate Johanson concerning overtime?

A. Yes, sir.

Q. Will you tell us in substance what you remember of that conversation?

A. Well, on this trip to New Orleans, the day before we got [705] to New Orleans, to Amesville, the mate came into my room to check my overtime, and I was two hours short, and he said he wouldn't give it to me. And I asked him why. And he said he didn't see where it was coming to me; that the quartermaster was not allowed overtime after the first day in port, as the A. B.'s and ordinaries were, but not the quartermasters. He said they have got a night off. I got four hours off at night, and he didn't think they should get it. And he finally told me: "You are no sailor anyhow. You are lucky to have a job, instead of being kicking for overtime."

Well, I said: "Listen, I have been going to sea for some twenty years." And I told him the different occasions since I had been going to sea, and served about two years in The Texas Company, and it was pretty late time to tell me I was no sailor.

And I said: "Judging from that pilot ladder you made the other day, you have got much to say about



(Testimony of Clarence Buckless.)

a sailor. A good sailor would be ashamed to turn out such a job."

Q. Did you say anything about Rosen?

A. No; I don't believe I did at that time.

Q. Did you make any reference to the ship's delegate?

A. Yes. I told him that I would have take this up with the delegate who collected overtime, and he didn't say it.

Q. Were you ever paid that overtime?

A. Never was. [706]

Q. As you came into Port Arthur on your last trip did you have any conversation with the mate?

A. Yes, sir. We got paid off. Zinkiewycz came back and said that Gordon Rosen and I were fired, and he was fired; that he had seen papers on the mate's desk to that effect, and our pay was made out. So I then asked the mate.

Q. (By Mr. Van Dusen) Was this conversation in the presence of the mate, Zinkiewycz's conversation with you?      A. No.

Mr. Van Dusen: Then I move to strike, Mr. Examiner.

Mr. Martin: A preliminary question.

Trial Examiner Myers: You are going to connect it up?

Mr. Martin: Yes, sir.

Trial Examiner Myers: I will allow it for the time being, and if it is not connected up I will entertain a motion to strike.

(Testimony of Clarence Buckless.)

A. As I went on I asked the mate if I was fired. And he said: "I haven't fired you, have I?"

And I said: "No, but there is a rumor going around that I am fired. I would like to know. If I was quitting I would tell you about it, and I think you should do the same by me."

And he said: "Don't you want to work your watch this afternoon?"

And I said: "Certainly. It is my watch, and I will stand it." At 3:00 o'clock I got a little uneasy, and I asked the [707] mate: "I wish you would tell me if I am fired or not."

And he said: "Yes, you are fired. Come up and get your money." Which I did. And then I asked him what I was fired for; and he said: "You are fired for missing a watch in Claymont, Delaware."

I said: "I didn't miss a watch in Claymont, Delaware. I arranged that watch to be stood by the quartermaster, on the 8:00 to 12:00 watch, and paid him at the rate of a dollar an hour for standing it. The chief can vouch for it."

And he said: "Well, you are no sailor anyhow. I don't want to argue with you. Get your clothes and get off of here."

Which I did. [708]

Q. (By Mr. Martin) Approximately what time did the boat arrive at Port Arthur?

A. It arrived that morning, the 14th.

Q. July 14, 1938?

A. July 14th, on or about.

(Testimony of Clarence Buckless.)

Q. What time?

A. On or about eight o'clock, I should say.

Q. What time did you have this conversation with the mate?

A. I started at twelve noon, and had one then, and then another one at three o'clock.

Q. At three o'clock he told you you were fired?

A. Yes, sir.

Q. When did your watch end?

A. At four.

Q. At three o'clock when he told you you were fired did the mate say exactly when you were fired?

A. He said I was fired right then.

Q. Did he say you are fired at the end of this trip?

A. No, right then.

Q. Right then? A. Yes, sir.

Q. Meaning——

A. Meaning at three o'clock.

Q. Right then? A. Yes, sir. [709]

Q. (By Mr. Pipkin) Were you in port then?

A. Sir?

Q. Were you in port then? A. Yes, sir.

Q. (By Mr. Martin) Had you finished your watch when you were told you were fired?

A. Well, I had about a half an hour to go when I got done talking with him, to complete it, but I was finished. He had paid me off then and told me to leave the ship.

Q. What time were you handed your certificate of discharge? A. About three thirty.

(Testimony of Clarence Buckless.)

Q. Who handed it to you? A. The mate.

Q. Any more conversation at that time?

A. No, sir.

Q. Were other men still working at that time?

A. Yes, sir, those men on watch.

Q. Were other men being given certificates of discharge at that time? A. No, sir.

Q. Were other men in line waiting for money?

A. No, sir.

Q. Had any gone ashore? A. Yes.

Q. Was the big draw before or after? [710]

A. Before.

Q. Had the rest of the crew signed shipping articles again?

A. I really wouldn't know.

Q. To your knowledge, how many others received certificates of discharge that day?

A. Zinkiewicz, Gordon Rosen and myself.

Q. Any others?

A. Not that I know of.

Q. Do I understand that the mate made some reference to your missing a watch?

A. Yes, sir.

Q. Did you know what watch he was referring to? A. Yes.

Q. Did you know what instance he was referring to?

A. Yes, sir, because I had another man stand it for me.

Trial Examiner Myers: Was that permissible or

(Testimony of Clarence Buckless.)

customary to have somebody to stand your watch?

A. Customary.

Q. Did you get permission from anybody to do it?

A. No.

Q. Was it customary for you to get permission before you have a substitute stand your watch?

A. Not necessarily.

Q. Is it often done? [711]

A. Often done, yes, sir, by the mate and the sailors, the mate as well as the crew.

Q. Before the time here in Port Arthur the mate mentioned it, had anything been said to you?

A. Not a word.

Q. About missing a watch?

A. Not a word.

Q. What was your salary as quartermaster on the "Washington"?

A. Eighty-seven dollars and fifty cents per month and board and room, and overtime.

Q. (By Mr. Van Dusen) You say no overtime?

A. And overtime.

Q. Plus overtime?                      A. Plus overtime.

Q. (By Mr. Martin) Was there or was there not any occasion while you were on the "Nevada" in 1937 and 1938 that a number of men aboard were ill, sick?

A. Were they?

Q. Yes.                      A. Yes, sir.

Q. There were some?                      A. Yes, sir.

Q. Can you tell us about that?

A. A number of the whole crew were sick, from



(Testimony of Clarence Buckless.)

the captain [712] down, with the exception— Well, *there not* over four or five men that were not.

Q. What do you mean by sick?

A. Well, they were throwing up and in weak condition.

Trial Examiner Myers: Were they seasick, or did they have ptomaine poisoning?

A. Well, I really don't know. They say it was caused from the water taken on at Claymont, Delaware. It happened before one time on the same ship, two years ago.

Q. (By Mr. Martin) Well now, did the men keep working?

A. Yes, the majority of them. I remember one instance the men on the four to eight watch.

Q. In the morning or afternoon?

A. In the evening, afternoon. An A. B. and an ordinary were a little too sick to work. They went back to their room about 4:30. Before going back to their room, I took them up to the mate and told him they were sick, and I was sick myself.

And he said: "I couldn't do anything about it. Take them down to the captain."

So I did. The captain was lying on a settee in the chart room and he was pretty sick himself. And I told him the boys were sick; and he said there was nothing much he could do about it.

And he said: "I am so sick I can hardly stand up myself." [713]

And I said: "There is something should be done. Very near the whole crew is sick. Something ought

(Testimony of Clarence Buckless.)

Q. Did you know that Zinkiewycz was going to be on that ship?      A. No, sir.

Q. After you got aboard the ship and met Zinkiewycz there, did you have a conversation with him?

A. I told him I was kind of surprised to see him and Gordon aboard.

Q. What did he say?

A. He said he was kind of surprised to see me aboard too.

Q. After you got aboard the ship, did you have a conversation with Rosen?

A. Nothing right at that time that I came aboard, I [Illegible]

Q. Have you any knowledge that would lead you to [Illegible] that at the time you got on Rosen didn't know yo [Illegible] [716] to sail on that boat?

A. No. Rosen told me he didn't know it.

Q. When did he tell you that?

A. Well, it was sometime during that day.

Q. Did Rosen say whether he knew Zinkiewycz was going to be on board?

A. No, he didn't say.

Q. Did Zinkiewycz say whether he knew Rosen was going to be on board?      A. No.

Mr. Pipkin: Mr. Examiner, all these questions are leading in the first place and are hearsay and do not come within the scope of testimony you have been allowing in the second place.

Trial Examiner Myers: Don't lead him so much.

Mr. Pipkin: I move to strike on that ground.

(Testimony of Clarence Buckless.)

Trial Examiner Myers: Motion denied.

Q. (By Mr. Martin) Mr. Buckless, is it customary among sailors to sail with any company that they wish to? A. Yes, sir.

Q. If they can get a job? A. Yes, sir.

Q. Is it customary among sailors, once they are sailing with a certain line, to continue getting jobs with that line if they can? A. Yes, sir. [717]

Q. And desire to? A. I believe so.

Q. Once a sailor is sailing with a line, is it customary, would you say, for him to try to get other jobs with the same company? A. Yes, sir.

Q. On different vessels with the same company?

A. Yes, sir.

Q. If he wants to? A. If he wants to.

Q. Once a sailor is on a ship, would you say it is customary for him to stay aboard that ship if he likes to and if he doesn't get fired? A. Yes, sir.

Q. Once a sailor is sailing on a specific ship, is it customary for him to continue sailing on that same ship and sign new shipping articles from trip to trip so long as he wants to and is not fired?

A. Yes, sir.

Q. Would you say, Mr. Buckless, that there is nothing unusual then, if a sailor who has sailed with The Texas Company ships a number of times wants to continue sailing with Texas Company ships? A. Is there any reason?

Q. No. I say, would you say that there is anything unusual [718] about that? A. No.

(Testimony of Clarence Buckless.)

Q. Mr. Buckless, would you like to continue sailing on Texas Company ships? A. Yes, sir.

Q. How many Texas Company ships did you say you had sailed on?

A. Five, I believe. Let's see? Five.

Q. And you would like to continue sailing on Texas Company ships? A. Yes, sir.

Q. What is the reason you would like to continue sailing on Texas Company ships?

A. Well, there might be different reasons. I like to sail to Port Arthur, in and out, and one thing I like is The Texas Company ships give you a night off, where on most of the other ships you have to stand a watch at night, and there is companies that I just don't care about sailing with for reasons of my own.

Q. Do other lines come in and out of Port Arthur? A. Yes, sir.

Q. Do Texas Company ships operate, so far as you know, any differently from ships of other lines?

A. No. They are all practically the same in operation. They have a few different rules and regulations of work. [719]

Q. Do you bear any ill feeling toward The Texas Company? A. No, sir.

Q. Toward any of its officers or officials?

A. No, sir.

Q. Do you, in your own way, have any feeling whether or not you are a part of The Texas Company?

(Testimony of Clarence Buckless.)

Mr. Pipkin: Mr. Examiner, we will object to that. In the first place it is leading and calls for a conclusion of the witness.

Trial Examiner Myers: Sustained.

Q. (By Mr. Martin) Do you feel any close connection between yourself and The Texas Company?

A. I feel I am when I am on the ship.

Mr. Pipkin: That is the same question. In addition to that the whole answer is not responsive. It could be answered "yes" or "no".

Trial Examiner Myers: Will you read the question and answer, Mr. Reporter.

(The last question and answer were read.)

Trial Examiner Myers: Denied.

Q. (By Mr. Martin) Did you testify, Mr. Buckless, that you kept working till noon the day you were fired from the "Nevada"? A. Yes, sir.

Q. After you had finished work at noon, what did you do? [720]

A. I took a bath, packed my clothes, and then went to the captain's office.

Q. Did you have a conversation with the captain? A. Yes, sir.

Q. As nearly as you can remember, what was said?

A. Well, as he give me my half day's pay, I asked him, I said, "Now, captain, I am really fired for union activities, am I not?"

He said, "I wouldn't say that."

He said, "When I sailed in the fore-castle I was



(Testimony of Clarence Buckless.)

in a union myself. I belonged to the Union myself."

"Well," I said, "What do you think of the Union?"

He said, "A union is all right if it is run right."

I said, "What do you think of our union, the National Maritime Union?"

He said, "I don't think it is run right."

That is about all that was said between us.

Q. Did you testify yesterday concerning a discussion with Captain Swanson about overtime at Cat Island?

A. Yes, sir, I believe I did. That was after the discussion we had over the overtime from Cat Island and that following trip North he called me on the salon deck one morning.

Q. He called you?

A. He called me. He said, "Boatswain, I want to speak to you a minute." [721]

Q. Where were you?

A. I was just turning the men to.

Q. Down below him?

A. Yes, on the well deck.

Q. Did you go up?

A. I did and he said, "We are no doubt going to Cat Island the next trip and if we are in there on Saturday afternoon or Sunday, we are not paying any overtime. I am not paying any overtime unless you folks demand it."

So I said, "Captain, 'demanding' is a very big word and we are not demanding anything; only

(Testimony of Clarence Buckless.)

what we are supposed to get; and we are asking for that."

"Well," he said, "If we are in there on Saturday afternoon or Sunday and you demand this overtime, I am going to have each man sign a separate slip."

That is about all that was said.

Q. Did he give you any instructions to tell the crew?

A. Yes. He said, "You being delegate, on your next meeting you bring that up to the crew at the next meeting." [722]

Q. Mr. Buckless, about how many members of the N. M. U. were there on the "Washington" when you were on her in 1938?

A. I believe they were all very near but one or two. I think there was only one or two that was not.

Q. Almost a hundred per cent? A. Yes, sir.

Q. When you boarded her were they having union meetings?

A. No, sir. They had had them before, but they wasn't right at that time; for the past couple of weeks or so.

Q. Did they revive those meetings shortly after you got aboard?

A. Yes, sir. In fact, I called the first one right away as soon as we got aboard.

Q. Did anybody tell you why they weren't holding meetings? A. Yes, sir.

Q. Who told you?

(Testimony of Clarence Buckless.)

A. It was an ordinary seaman. I can't just think of his name right offhand. I asked him why they weren't having them and he said it seems the delegates were getting fired as fast as they were made delegates, so everybody was afraid then and they didn't hold any more.

Wukasch is the man's name.

Q. Wukasch? A. Yes, sir.

Q. Do you know how to spell it? [723]

A. No, I don't.

Q. Is it W-u-k-a-s-c-h?

A. I guess that is it.

Q. Had you known Wukasch before you boarded the "Washington"? A. No, sir.

Q. Now when you got on the "Nevada" in November, 1937, was George Hart on there?

A. No, sir.

Q. Do you remember where George Hart got on?

A. He got on in Port Arthur. I believe it was the trip following the Spain trip.

Q. Had you known George Hart prior to the time he got on board? A. No, sir.

Mr. Martin: That is all. Your witness, Mr. Van Dusen.

#### Cross Examination

Q. (By Mr. Van Dusen) Now, Mr. Buckless, I believe you stated that the first Texas Company ship that you were on is the SS "Shenandoah", is that right? A. No, sir.

Q. What did you say?

(Testimony of Clarence Buckless.)

A. The SS "Virginia".

Q. When was that?

A. I am not quite sure of the dates on that. It was either '25 or '26. [724]

Q. '25 or '26? A. Yes, sir, 1925 or 1926.

Q. How long were you on that ship, Mr. Buckless?

A. As near as I can remember it was about seven or eight months.

Q. Have you your discharge certificates?

A. No, I haven't. I lost them.

Q. The next ship you were on, Mr. Buckless, of The Texas Company, was that the SS "Shenandoah"? A. Yes, sir.

Q. Do you recall when you were on that ship?

A. Yes, sir.

Q. When?

A. I went aboard her on or about March 26, 1936, and left her on or about May 1, 1936.

Q. You were on there about two months; a little over two months? A. Something similar to that.

Q. Is that correct?

A. Yes, about two months.

Q. Now why did you leave that ship?

A. Of my own accord.

Q. What was the next time you went on a Texas Company ship?

A. On the SS "Washington" on or about February 20, 1937, to on or about March 8, 1938, when I left her—1937. [725]

(Testimony of Clarence Buckless.)

Q. That was a short trip, was it not?

A. Yes, sir, one trip.

Q. Would you say that was about a week?

A. That was about 16 days, I believe.

Q. About 16 days, you say?

A. Between 16 and 18 days.

Q. Why did you leave that ship, Mr. Buckless?

A. For medical treatment for my eye.

Q. Now what did you do in the approximately nine months' period between the time you left the "Shenandoah" voluntarily and the time you signed articles on the "Washington"?

A. I lived ashore.

Q. Were you employed on board any ship?

A. No, sir.

Q. Was it a vacation you were taking?

A. Yes, sir.

Q. Now what was the next Texas Company ship you signed articles on?      A. The SS "Ayrian".

Q. Approximately what date?

A. On or about September 15 I joined her and left her on or about November 13, 1937.

Q. About how much time is that, Mr. Buckless?

A. About two months.

Q. Two months. [726]      A. Yes, sir.

Q. Now why did you leave that ship?

A. I was fired.

Q. You haven't filed any complaint with the Labor Board regarding your discharge from that ship?      A. No, sir.



(Testimony of Clarence Buckless.)

Trial Examiner Myers: What year was that?

A. 1937.

Q. (By Mr. Van Dusen) For what reason do you say you were fired?

A. He didn't give me any reason.

Q. Do you know the reason? A. No, sir.

Q. Now there is approximately a seven months' interval between the time you left the "Washington" and the time you signed articles on the "Ayrian". Were you sick all that time?

A. No, sir.

Q. What did you do all that period of time?

A. Well, I was ashore most of the time at home.

Q. Were you on any other ships?

A. Yes, sir.

Q. What ships?

A. The SS "Paulsboro", Standard Oil of New York.

Q. The SS "Paulsboro"? A. Yes, sir. [727]

Q. About how long were you on that ship, Mr. Buckless? A. About a month.

Q. Were you on any other ships?

A. Yes, sir.

Q. What other ships?

A. The SS "Broad Arrow", Standard Oil of New York; Socony-Vacuum.

Q. The SS "Broad Arrow"? Is that what you said? A. "Broad Arrow".

Q. About how long were you on that ship, Mr. Buckless?

(Testimony of Clarence Buckless.)

A. I was on her about three months, I believe; two and a half or three months more or less.

Q. About three months you say?

A. I believe.

Q. Why did you leave that ship, Mr. Buckless?

A. On my own accord.

Q. Why did you leave the "Paulsboro"?

A. I was fired.

Q. For what reason? A. Missing a watch.

Q. Were you on any other ship before you went on the SS "Ayrian" other than those two?

A. No, sir.

Q. Those are the only two ships you were on during that period? [728] A. Yes, sir.

Q. Now the next Texas ship you were on was the SS "Nevada", is that correct, Mr. Buckless?

A. I believe so.

Q. Well, you can look at your notes.

A. Yes, sir.

Q. After you left the "Ayrian"?

A. Yes, sir, after I left the "Ayrian".

Q. How long after you left the "Ayrian" did you sign articles on the SS "Nevada"?

A. Approximately four days.

Q. About four days? A. Yes, sir.

Q. Now how long was that trip, Mr. Buckless?

A. On the "Nevada"?

Q. Yes. A. The first trip was about a week.

Q. About a week? A. Yes, sir.

Q. Then what happened? Did you remain on that ship?

(Testimony of Clarence Buckless.)

A. Yes, sir. I was promoted to boatswain.

Q. And you signed new articles?

A. Yes, sir.

Q. And then you were on the "Nevada" until about April 18, is that right? [729]

A. April 18 on or about, 1938.

Q. That is about five months, isn't it, Mr. Buckless?

A. About six months.

Q. Now the next Texas ship you signed articles on is what, Mr. Buckless?

A. The SS "Washington".

Q. The SS "Washington"? A. Yes.

Q. About what date did you go on that ship?

A. I went on the "Washington" on or about June 2, 1938, and left her July 14, 1938.

Q. That is about six weeks?

A. Similar to that.

Q. Now there was an interval of a month and a half between the time you left the SS "Nevada" and the time you joined the SS "Washington". What did you do during that interval of time?

A. I was on the beach here in Port Arthur.

Q. You were not on any other ship?

A. No, sir.

Q. Now if all the time you were on Texas Company ships were totalled up it would be about 18 months, wouldn't it, approximately?

A. Perhaps about that. [730]

Q. Now I think you testified on direct examination that it was quite customary to sign shipping

(Testimony of Clarence Buckless.)

articles on all those trips?      A. Yes, sir.

Q. You were on the trip to Spain with Mr. Rosen which started on or about January 10, 1938, were you not?      A. Yes, sir.

Q. And you signed foreign articles, did you not?

A. Yes, sir.

Q. Then you made several coastwise trips on the "Nevada" after you came back to Port Arthur, did you not?      A. Yes, sir.

Q. And you signed those coastwise articles?

A. Yes, sir.

Q. Now I show you shipping articles dated Port Arthur, Texas, April 13, 1938, and ask you if you signed those articles?      A. Number five, yes, sir.

Q. Now that covers your last trip on the "Nevada" before you say you were discharged, does it not?      A. I believe that is the one.

Q. You said that you thought you were discharged on April 18?      A. Yes, sir.

Q. So these are the shipping articles covering that last [731] trip, is that correct?      A. Yes, sir.

Q. Have you got your certificate of discharge from that trip?      A. On the "Nevada"?

Q. Yes. April 18.

A. I don't believe the discharge is quite right. It might be. I am not sure.

Mr. Van Dusen: Well in the meantime I offer these articles in evidence.

Trial Examiner Myers: Any objection?

The Witness: Is this supposed to be the last trip?

(Testimony of Clarence Buckless.)

Mr. Van Dusen: April 18, the SS "Nevada."

The Witness: I have two of them.

Trial Examiner Myers: When is that dated?

Mr. Van Dusen: It is dated April 13th, but he says he was discharged April 18.

The Witness: I believe this is the one (handing a paper to counsel).

Mr. Martin: No objection.

Trial Examiner Myers: There being no objections I ask the reporter to please mark these articles as Respondent's Exhibit No. 10.

(Thereupon the document above referred to was marked as "Respondent's Exhibit No. 10 for identification and was received in evidence.)

[732]

Mr. Van Dusen: For the record I will say that I would like to photostat these shipping articles and substitute a photostat for them.

Trial Examiner Myers: The respondent may furnish a photostat in place of the original.

Q. (By Mr. Van Dusen) Now, Mr. Buckless, this certificate of discharge covering that particular trip, showing "date and place of discharge, April 18, 1938, the SS 'Nevada'", and which is dated April 18, 1938, bears your signature, does it not?

A. Yes, sir.

Q. It also bears the signature of Captain Swanson?

A. Captain Swanson.

Mr. Van Dusen: I offer this in evidence.

Trial Examiner Myers: Any objection?



(Testimony of Clarence Buckless.)

Mr. Martin: No objection.

Trial Examiner Myers: There being no objection, I ask the reporter to please mark that certificate of discharge in evidence as Respondent's Exhibit No. 11.

The respondent may substitute a photostat in place of the original certificate.

(Thereupon the document above referred to was marked as "Respondent's Exhibit No. 11" for identification and was received in evidence.)

Q. (By Mr. Van Dusen) Now, Mr. Buckless, you signed shipping articles on the SS "Washington" on or about June 1, [733] 1938, did you not?

A. No, sir. June 2nd.

Q. I said "On or about."

A. On or about, yes.

Q. That was the trip that Mr. Rosen was on, isn't that correct? A. Yes, sir.

Q. I show you Respondent's Exhibit No. 5, shipping articles dated "Port Arthur, June 1, 1938" and which are the articles Mr. Rosen said he signed and ask you if you signed those articles.

A. Yes, sir, I did.

Q. Now that covers your trip on the SS "Washington" from which you say you were discharged, does it not? A. Yes, sir.

Q. Have you got your certificate of discharge?

A. Yes, sir (handing a paper to counsel).

Q. Now this certificate of discharge is dated July 14, 1938 and it shows "date and place of dis-

(Testimony of Clarence Buckless.)

charge, July 14, 1938, Port Arthur, Texas," and bears your signature, does it not?      A. Yes, sir.

Q. It also bears the signature of Captain Bergman?      A. Yes, sir.

Mr. Van Dusen: I offer this in evidence. [734]

Trial Examiner Myers: Any objection?

Mr. Martin: No objection.

Trial Examiner Myers: There being no objections I ask the reporter to please mark that certificate of discharge in evidence as Respondent's Exhibit No. 12.

The respondent may substitute a photostat in place of the original certificate.

(Thereupon the document above referred to was marked as "Respondent's Exhibit No. 12" for identification and was received in evidence.)



(Testimony of Clarence Buckless.)

Q. (By Mr. Van Dusen) Now, Mr. Buckless, I believe you testified on direct examination that it was customary for seamen when they so desired to quit a ship and go to another, is that correct?

A. Yes, sir.

Q. That is quite a common practice?

A. It is.

Q. You did that yourself? A. Yes, sir.

Q. Now prior to the time you signed articles on the SS "Virginia" in 1925 were you on ships of any other company? A. Yes, sir.

Q. Please give me the names of the companies and the names of the ships.

A. That would be pretty hard to do because I have no discharges. I could tell you some of the companies. Standard [735] Oil—

Q. (Interrupting) Well suppose you give me some of the companies.

A. Standard Oil of New York.

Q. Standard of New York? A. Yes, sir.

Q. Do you remember any of the ships you were on? This is prior to 1925 now.

Mr. Wright: Mr. Examiner, I would like to offer objections to the immateriality of this, unless there is some materiality shown.

Mr. Van Dusen: Well, may I state what it is?

Trial Examiner Myers: Yes.

Mr. Van Dusen: ' On direct examination Mr. Martin endeavored to show that Mr. Buckless was

(Testimony of Clarence Buckless.)

tied up to Texas Company ships. Now I am going to show that he was not.

Trial Examiner Myers: Objection overruled.

Q. (By Mr. Van Dusen) Will you please give me the names. The Standard of New York you said? A. Yes, sir.

Q. Can you name some of the ships please?

A. No, I couldn't name exactly the ships I was on before that.

Q. Now you have been a seaman for twenty years, haven't you, Mr. Buckless? [736]

A. Yes, sir.

Q. You have been an A. B. for twenty years, haven't you? A. Yes, sir.

Q. And you don't remember any of the ships prior to 1925?

A. Well there is some, but I couldn't say whether it was before or after 1925.

Q. Well how far back do your discharges go?

A. About two years; a year and a half; two years.

Q. Well name some of the ships of the Standard of New York that you were on.

A. The "Levant Arrow." That is prior to 1925 though.

Mr. Wright: Mr. Examiner, I would like to urge objection to this. It is immaterial. Now if its purpose is to show that this man was not tied to The Texas Company vessels or The Texas Company payroll, it is sufficient, I think, to show that he was working for another company. [737]



(Testimony of Clarence Buckless.)

Trial Examiner Myers: Well, I overrule the objection. Will you proceed, please.

Q. (By Mr. Van Dusen) What was the name of that ship? A. The "Levant Arrow".

Q. This is prior to 1925? A. Yes, sir.

Q. Do you know about how long you were on that ship? A. No, sir.

Q. Approximately? A. No, sir.

Q. Well, say, six months?

A. I wouldn't say nothing, as I forget right now the dates.

Q. You remember that you were on the SS——

A. (Interrupting) I was on her, yes, sir.

Q. I say you remember you were on the SS "Virginia" in 1925?

A. Yes, sir, on or about 1925 or 1926.

Q. That is thirteen years ago? A. Yes, sir.

Q. And you said you were on there approximately seven or eight months?

A. Yes, sir, to the best of my knowledge. I am not sure.

Q. Now, do you remember the ship you were on just preceding the "Virginia"?

A. No, I really don't. [738]

Q. And your memory only starts with The Texas Company ships, is that it?

Mr. Wright: Mr. Examiner, may I have my objection to all this line of questioning?

Trial Examiner Myers: You may have objection to the entire line of inquiry and the same ruling.

(Testimony of Clarence Buckless.)

Q. (By Mr. Van Dusen) What was that? What did you say?

A. No, I just can't remember. I have been on quite a few different ships and I don't remember the one I was on before that or even after.

Q. But you do remember you were on the "Virginia" don't you? A. Yes, sir.

Q. And you don't remember the ship immediately preceding? A. No, sir.

Trial Examiner Myers: Why is that?

A. Well, I have been on so many of them that it might have been the Pure Oil. It might have been——

Trial Examiner Myers: I mean why do you remember The Texas Company ships?

A. Because I knew they were going to be brought up and I figured back as near as I could to remember those.

Q. (By Mr. Van Dusen) But you haven't got your discharges for more than two years, have you?

A. No.

Q. So what do you have to refresh your recollection? [739]

A. I remembered that I was in The Texas Company at that time.

Q. You just thought back and you remembered The Texas Company ships. Now, can you think back and remember some of the other ships?

A. Not right now I couldn't. I suppose I could in time. [740]

(Testimony of Clarence Buckless.)

Q. Will you think about that over the week end?

A. I will try to.

Q. Name some of the companies then prior to 1935, Standard of New York?

A. United Fruit Company.

Q. Do you know approximately how long you were with the United Fruit Company?

A. No.

Q. Well, was it a short time or long time?

A. Well, perhaps a year.

Q. What is that? A. Perhaps a year.

Q. Perhaps a year. About how long would you say you were with the Standard of New York prior to 1935? A. I really don't know.

Q. Well, approximately.

A. It might be six months, or maybe two years.

Q. Well, what other company?

A. I was on the Argonaut Line.

Q. Argonaut Line? A. Yes, sir.

Q. About how much time did you spend with them?

Mr. Wright: Mr. Examiner, I submit that this is becoming ridiculous.

Trial Examiner Myers: Objection overruled.

[741]

A. I have no discharges. I have lost them all. Perhaps two months.

Q. You lost them, but you still go back thirteen years on The Texas Company ships. I just want to know.

(Testimony of Clarence Buckless.)

A. I really don't know there. I just put down on or about that time. I was not sure what time I was on the "Virginia".

Q. All right. Argonaut Line. Any other line?

A. Molasses Tanker Corporation.

Q. What?

A. Molasses Tanker Corporation.

Q. Do you remember about how long you were with them?

A. Two or three months.

Q. Two or three months?

A. Yes, sir.

Q. Any other company?

A. No, I can't think of any more right now.

Q. All right now, after you left the "Virginia", which was sometime either 1925 or 1926, there was a period of about ten years before you went on a Texas Company ship, isn't that correct?

A. Yes, sir.

Q. Now, do you remember any ships you were on in that interval of time?

A. Well, I gave you one there, the "Levant Arrow". I didn't say I was on her prior to 1925.

Q. All right. But you were on the Standard of New York [742] ship prior to 1925?

A. Yes, sir.

Q. The "Levant Arrow" was one after you left the "Virginia".

A. Yes, sir.

Q. Do you remember how long you were on that ship?

A. No, sir.

Q. It was after you was on the "Virginia"?

A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. You were on her after you were on the "Virginia"?      A. Yes, sir.

Q. You have no idea at all how long?

A. No, sir.

Q. That was the Standard of New York ship?

A. Yes, sir.

Q. What other ships were you on after you left the "Virginia"?

A. I can't think of any more right now.

Q. What companies? What companies did you work for after you left the "Virginia"?

A. Sabine Towing.

Q. Standard of New York?

A. Sabine Towing.

Q. Did you also work for the Standard of New York?      A. Yes, sir. [743]

Q. Any other companies?      A. Pure Oil.

Q. Do you remember any of the ships of the Pure Oil that you were on?

A. Yes, sir, I was on the "W. E. Hutton".

Q. Do you remember about how long you were on that ship?      A. No, I don't.

Q. Any other ships of the Pure Oil?

A. No, sir.

Q. Sabine Towing, do you remember the ship you were on then?

A. "Los Alamas", now called the "R. W. McIlvian".

Q. Do you know how long you were on that ship?      A. About three months, I believe.



(Testimony of Clarence Buckless.)

Q. Any other company? A. No, sir.

Q. Just those three companies during that ten year period?

A. That is all I can think of, yes, sir.

Q. This was after you left the "Virginia"?

A. Yes, sir.

Q. Now, during that ten year period which company would you say you spent the most time with of those three companies? There are just three.

A. I really wouldn't know.

Q. No idea at all? [744]

A. No idea at all.

Q. Would you say you spent most of the time with the Pure Oil? A. I wouldn't know.

Q. Now, you were on the SS "Washington", approximately the end of February to the 8th of March, is that correct, Texas Company ship?

A. What year?

Q. 1937, end of February? A. Yes, sir.

Q. That was a short trip, wasn't it?

A. Yes, sir.

Q. Now, you were not on a Texas Company ship until the middle of September of that year, is that correct? A. Yes, sir.

Q. There was about a seven months interval there? A. Yes, sir.

Q. All right, any other ships in that seven months' time? A. Yes, sir.

Q. Name those ships?

A. SS "Paulsboro".

(Testimony of Clarence Buckless.)

Q. What company is that?

A. Standard Vacuum.

Q. Standard of New York, is that?

A. Yes, sir. [745]

Q. About how long were you on that ship?

A. Well, I went on her on or about April 6, 1937, and got off on or about April 30, 1937.

Q. A short trip? A. Yes, sir.

Q. Were you on any other ship?

A. Yes, sir, the SS "Broad Arrow".

Q. That is also a Standard of New York ship?

A. Yes, sir.

Q. How long were you on that ship?

A. About three months.

Q. Any other ships in that period of time?

A. No, sir.

Q. That takes up about seven months, doesn't it, seven months interval? A. How is that?

Q. I say, that takes up about a seven months interval between the time you left the "Washington" and got on the "Broad Arrow", is that right?

A. I was on her about three months, on the "Broad Arrow". The rest of the time I was at home.

Q. Now, were you on the SS "Comet" from 1928 through 1930? A. I have been on her.

Q. Were you? A. I believe so. [746]

Q. That is a Standard of New York ship, isn't it? A. Yes, sir.

Q. That is about two years you were on that

(Testimony of Clarence Buckless.)

ship, isn't it? Is that right? A. I don't know.

Q. I say, 1928 to 1930, about two years?

A. About two years, yes, sir.

Q. Now, in 1930 weren't you on the "R. W. McIlvian"? A. Yes, sir.

Q. That is a Standard of New York ship, is it not? A. No.

Q. It is a Sabine Towing Company ship, is it not? A. Yes, sir.

Q. How long were you on that ship?

A. About three months.

Q. About three months? A. Yes, sir.

Q. Now, in 1931, were you on the SS "Ario"?

A. Yes, sir.

Q. That is a Standard of New York ship, isn't it? A. Yes, sir.

Q. You were on there about a year, weren't you?

A. I really wouldn't know just the date. [747]

Q. Well, 1933 isn't so far back.

A. I was on her quite a long time.

Q. Would you say a year would be approximately correct? A. Yes.

Q. Now in 1933 weren't you on the SS "Berkinhead"? A. Yes, sir.

Q. That is a Standard of New York ship, isn't it? A. Yes, sir.

Q. Weren't you on that ship from 1933 through 1935? A. Practically.

Q. That is about two years, isn't it?

A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. Now, Mr. Buckless, you spent a good deal of time on Standard of New York ships, didn't you?

A. Yes, sir.

Q. Spent a good deal more time on Standard of New York ships than you did on Texas Company ships, didn't you?

A. Yes, I guess I have.

Q. Don't you like the Standard Oil of New York ships?

Mr. Wright: Mr. Examiner, I object. The issue is what he thought then.

Q. (By Mr. Van Dusen) Did you then like the Standard Oil of New York ships?

Mr. Wright: I object to its immateriality.

Mr. Van Dusen: I am using his own language.

[748]

Mr. Wright: I have no objection if he places it back to that time.

Trial Examiner Myers: The objection is withdrawn. Will you answer the question?

Mr. Van Dusen: Read the question.

(The question was read by the reporter.)

Trial Examiner Myers: Did you like the Standard of New York ships then?

A. Yes, sir.

Q. (By Mr. Van Dusen) Were you ever discharged from any of the Standard of New York ships?

A. Yes, sir.

Q. How many times?

A. Well, one is all I can remember of.

Trial Examiner Myers: You mean discharged or fired?

A. Fired.

(Testimony of Clarence Buckless.)

Q. That is what I am getting at.

A. Fired.

Q. (By Mr. Van Dusen) Were you ever fired?

A. Fired, yes, sir.

Q. Which ship?

A. The "Paulsboro" is the only one I can remember.

Q. What was the reason?

A. Missing a watch.

Q. Were you fired from any other Standard of New York ships? [749]

A. Not that I can remember, no, sir.

Q. Were you fired from any other ship?

A. No, sir.

Q. You say you were fired for missing a watch. Why did you miss the watch?

A. I was out of town and couldn't get back.

Q. You mean the ship was in port?

A. The ship was at "Paulsboro", and I was in Philadelphia, and couldn't get back in time to stand the watch.

Q. You didn't miss the ship though?

A. No, sir.

Q. Do you remember the last ship of the Standard of New York you were on?

A. The "Broad Arrow".

Q. When did you leave that ship?

A. July 13, on or about, 1937.

Q. Why did you leave that ship?

A. Of my own accord.



(Testimony of Clarence Buckless.)

Q. And the last ship of the Standard of New York you were on prior to that time was the SS "Berkinhead", wasn't it?

A. SS "Paulsboro".

Q. I mean prior to that.

A. Prior to that time.

Q. What time were you on the "Paulsboro"?

A. On or about April 16, 1937, I joined her, and left her [750] on or about the 30th, 1937.

Q. Why did you leave the ship at that time?

Trial Examiner Myers: He was fired.

A. I was fired.

Q. (By Mr. Dusen) I am sorry. That is the one you were fired from? A. Yes, sir.

Q. Why did you leave the SS "Birkinhead"?

A. Of my own accord.

Q. Of your own accord? A. Yes, sir.

Q. I am sorry I have to go into this.

A. That is all right.

Q. When you left the "Paulsboro", or rather the "Broad Arrow", that is the last ship you were on, in July, 1937, what was the next ship you went on? A. I believe the next ship was the "Ario".

Q. That was a Texas Company ship?

A. Yes, sir.

Q. The last ship of the Standard of New York you were on before you went on the "Shenandoah" was the "Berkinhead"? A. I believe so.

Q. And at that time you had been on Standard of New York ships for approximately seven years,

(Testimony of Clarence Buckless.)

on and off?           A. I believe so. [751]

Q. In fact, almost continuously, isn't that correct?           A. Yes, that is about right.

Q. You were not fired from any of those ships, were you?           A. No.

Q. Why then did you shift to the "Shenandoah"?

Mr. Wright: Mr. Examiner, I object because it is immaterial.

Trial Examiner Myers: Overruled.

A. I was in Baltimore at the time. I was shipped out of the Standard Oil office onto the "Shenandoah", Texas Company.

Q. You had a good reputation as an A. B. on the Standard of New York ships, didn't you?

A. Yes, sir.

Q. They would have taken you back very readily, wouldn't they?           A. Yes, sir.

Mr. Wright: I object to that. It calls for a conclusion. I move that it be stricken.

Trial Examiner Myers: Overruled.

Q. (By Mr. Van Dusen) Why didn't you want to stay with them?

A. Because they shipped me on the "Shenandoah"?

Q. They shipped you on the "Shenandoah"?

A. The Texas Company phoned down there for a man, and I was the next man available. They asked me if I would go aboard [752] the "Shenandoah", and I said, "Yes, sir." I was in need of a job, and I took it.

(Testimony of Clarence Buckless.)

Q. You had a job.

A. I was on the beach at the time I shipped on the "Shenandoah".

Q. You mean they laid up some ships?

A. No. I was on the beach. I had paid off on the beach.

Q. Voluntarily. A. Voluntarily, yes, sir.

Q. Why did you voluntarily leave the Standard of New York ships?

A. Because I wanted to. It is my own privilege.

Q. But you still liked the Standard of New York at that time? A. Certainly.

Q. After being on Texas ships did you learn to like Texas ships better than Standard of New York ships? A. Perhaps.

Q. Well, you know.

A. Yes, I like the run. I like to run into Port Arthur.

Q. Do you like the manner of operation?

A. They were practically the same.

Q. How about the officers?

A. There was not much difference to me.

Q. Treat you just as well? [753]

A. Just about the same.

Q. Same sort of complaints on both ships, ships of both companies? A. Practically the same.

Mr. Martin: Mr. Examiner, the witness has not yet admitted any complaints that I remember of.

Mr. Van Dusen: He has admitted complaints on Texas ships.

Trial Examiner Myers: Objection overruled.

(Testimony of Clarence Buckless.)

Mr. Van Dusen: Complaints about food, overtime and so forth.

Mr. Martin: I thought you were referring to complaints about his work.

Mr. Van Dusen: Oh, no.

Mr. Wright: Mr. Examiner, I would like to urge my objection again to the immateriality and irrelevancy of the question.

Trial Examiner Myers: Overruled.

Mr. Van Dusen: Now will you read that particular question again?

(The question was read by the reporter.) [754]

Q. So, so far as you are concerned they are practically the same, except you had had longer service with the Standard of New York, is that correct? A. Yes, sir.

Q. Now, after you left the "Shenandoah" you went back on a Standard of New York ship, didn't you in 1937, on the "Paulsboro"? A. Yes, sir.

Q. And you were also on the "Broad Arrow"?

A. Yes, sir.

Q. And later went to The Texas Company ships?

A. Yes, sir.

Q. Now, right at this moment do you prefer Texas ships to the Standard Oil of New York ships?

A. Yes, I believe I do.

Q. Why?

A. Because they are running into Port Arthur.

Q. Do the other ships run into Port Arthur?

A. Very seldom.

(Testimony of Clarence Buckless.)

Q. Standard of New York?

A. They run into Beaumont.

Q. It is right close to Port Arthur, isn't it?

A. It is a pretty long walk.

Mr. Wright: I object.

Mr. Van Dusen: Maybe, Mr. Wright will concede that. [755]

Mr. Wright: Sure I will concede it as close.

Q. (By Mr. Van Dusen) So when you sift it down, Mr. Buckless, you are not tied up to a Texas Company ship any more than you are to a Standard of New York ship, to be frank isn't that correct, frankly?

A. No, I was just sailing in there, and I like to sail with them, that is all.

Q. You shifted from one to the other, and you spent more time with the Standard of New York, isn't that right?

A. I did.

Q. So it doesn't matter to you?

A. It does right now. I would rather sail on The Texas ships.

Q. Is the Standard of New York a union ship?

A. Yes, sir.

Q. Got a contract with the N. M. U.?

A. I believe so.

Q. The Texas Company has not?

A. No, sir.

Q. Isn't the real reason you want to get on The Texas ships so you can organize The Texas ships?

A. No, not exactly.



(Testimony of Clarence Buckless.)

Mr. Wright: I object for the reason that it is immaterial why he wants to get on any ship. He has a perfect right to get on any ship he chooses. If he wants to go back to The [756] Texas Company, that is his business.

Mr. Van Dusen: I think Mr. Wright is giving very good testimony here.

Mr. Wright: Thank you.

Mr. Van Dusen: But we are talking about union activities. That is the heart of this case. He has admitted here that the ships were practically the same, and that he has spent more time on ships of the Standard of New York, and under the circumstances there is more reason for his wanting to be on the Standard of New York ships; and I am asking if the real reason that he wants on The Texas Company ships is not that he wants to organize The Texas Company ships.

Trial Examiner Myers: He has answered your question. A. Yes, sir.

Mr. Van Dusen: What was the answer?

Trial Examiner Myers: He said "no".

Q. (By Mr. Van Dusen) You stand on that answer? A. Yes, sir.

Mr. Van Dusen: Will you read that answer?

(The answer was read by the reporter.)

Q. (By Mr. Van Dusen) Can you answer that "yes" or "no"?

A. I would like to have that question read again please.

(Testimony of Clarence Buckless.)

(The question was read by the reporter.)

Mr. Wright: I want to urge my objection.

Trial Examiner Myers: Overrule the objection.

[757]

Q. (By Mr. Van Dusen) What is your answer?

A. It is still, no.

Q. It is "no" you say? A. Yes, sir.

Q. Now, Mr. Buckless, you testified on direct examination regarding certain grievances on the "Nevada" and the "Washington" which the crew had, such as complaints about food, overtime and so on; and you referred on one or two occasions to the working rules, is that correct?

A. Yes, sir.

Q. Were the working rules posted on the "Nevada" and the "Washington"?

A. Yes, sir.

Q. Where were they posted?

A. In the messroom.

Q. In the messroom?

A. Yes, on the bulletin board.

Q. I suppose you read them? A. Yes, sir.

Q. Did Mr. Rosen read them?

A. Yes, sir, I believe he did.

Q. You know they were there?

A. Yes, sir.

Q. You were referring to those working rules on direct examination when you mentioned your talk with the captain? [758] A. Yes, sir.

Mr. Martin: Mr. Examiner, I move to strike the

(Testimony of Clarence Buckless.)  
question whether Mr. Rosen read them.

Q. (By Mr. Van Dusen) Did you ever see Mr. Rosen reading the working rules?

A. The ones of 1937, yes, I did.

Mr. Martin: Withdraw my objection.

Q. (By Mr. Van Dusen) Look this over, Mr. Buckless, and tell me if those are the rules you saw posted on the "Nevada" and the "Washington"?

A. No, this does not seem to be the same.

Trial Examiner Myers: He says "no".

A. They don't seem to me they are. They might be; I am not sure.

Q. Well, look them over. I just want to know whether those are the working rules you saw posted?

A. Some of the names look the same.

Trial Examiner Myers: Off the record.

(Discussion off the record.)

A. I cannot identify them.

Q. (By Mr. Van Dusen) All right. There were working rules posted however?

A. Yes, sir.

Q. Were there not? A. Yes, sir. [759]

Q. That is, on this trip on the "Nevada" to which you have referred, and also on the "Washington"?

A. Yes, sir.

Q. You recognize the date, October 1, 1930?

A. I never noticed the date.

Q. But you do recognize some of the provisions?

A. Yes, sir.

Q. Did you ever see Mr. Zinkiewicz reading the

(Testimony of Clarence Buckless.)

working rules that were posted?

A. Well, no, I never noticed.

Q. Practically everybody on the boat read them, didn't they?

Mr. Martin: On which boat?

Mr. Van Dusen: On the "Nevada" and the "Washington", at the time you were on there?

A. Zinkiewicz was not on the "Nevada" with me.

Q. Zinkiewicz was on the "Washington"?

A. Yes, sir.

Q. Did you see him reading them?

A. No, sir, I wouldn't say that he did. He might have.

Q. Have you ever discussed the working rules with him? A. Yes.

Q. Did you ever discuss them with Mr. Rosen?

A. Yes, sir.

Q. Discuss them at your meetings?

A. Yes, sir. [760]

Q. Now, Mr. Buckless, I believe you testified that when you and other members of the crew that did not like the particular conditions, such as conditions regarding screens and buckets, and when you thought you were entitled to overtime, representatives were chosen to see the captain or the chief mate, Mr. Tranberg, and this Captain Swanson on the "Nevada" and Tranberg on the "Nevada", and Bergman and Johanson on the "Washington", is that correct? A. Yes, sir. [761]

(Testimony of Clarence Buckless.)

Q. They always listened to your grievances, did they not?      A. Sometimes.

Q. Well, I mean they talked to you about them, did they not?

A. I can recall one time when Gordon Rosen and Zinkiewycz were delegated to speak for me on the "Washington", and the captain refused to talk to them about it.

Q. Were you there at the time?

A. I was standing right by the side of them.

Q. You were right by the side of them?

A. Yes, sir.

Q. Was the captain busy?

A. The captain was not. He said he would talk to me, but not to any delegate. He wouldn't listen to them.

Q. Was he always willing to listen to you when you had a personal grievance?

A. Personally.

Q. That is, both captains were?

A. Yes, sir.

Q. And on these occasions to which you have referred on your direct examination, when you were either along or with Rosen went to see these officers, they spoke to you on those occasions, didn't they?

A. Yes, sir.

Q. Sometimes they refused to give you what you wanted, and [762] other times they gave you what you wanted?      A. Yes, sir.

Q. And you asked for overtime on one or two



(Testimony of Clarence Buckless.)

occasions, and they first objected, and later gave you overtime?      A. In some cases.

Q. You say in some cases?      A. Yes, sir.

Q. Not in every case?      A. No, sir.

Q. The captain was master of the ship?

A. Yes, sir.

Q. You didn't expect to get everything you asked for?

A. I was not asking for anything that I didn't think we ought to get.

Q. You were asking for something you thought you were entitled to have?      A. Yes, sir.

Q. And you thought you were entitled to it?

A. Yes, sir.

Q. He didn't think you were entitled to it?

A. He did not.

Q. And he was master of the ship, wasn't he?

A. He was the master of the ship.

Q. Now, on the other ships on which you were employed, did you ever have occasion to go to the officers of those ships [763] with any particular grievances?      A. No, sir.

Q. Never?      A. Of this company.

Q. Any other companies?      A. Never.

Q. Never had any complaints?

A. Never had any complaints.

Q. Perfect ships?

A. Not exactly perfect, I wouldn't say, but I never was——

Q. Did the members of the crew ever have griev-

(Testimony of Clarence Buckless.)

ances?           A. They might have.

Q. Do you know, of your own knowledge?

A. Well, I know—yes, I will take that back. On the “Broad Arrow” I was delegate there.

Q. I see. Did you have occasion to go to the captain or any officers?           A. Yes, sir.

Q. Regarding grievances?           A. Yes, sir.

Q. Did he listen to you?           A. He did.

Q. Did he give you what you wanted?

A. He gave us everything we wanted.

Q. Do you remember any other occasion? [764]

A. No. That is the only ship I was delegate on.

Q. On the other ships do you know whether other delegates or other representatives of the crew went to see the officers of the ship?           A. No.

Q. Do you know of your own personal knowledge?           A. No.

Q. When did you say you were a member of the I. S. U.?           A. Up until 1934.

Q. When did you join the I. S. U.?

A. I think around 1920.

Q. Were you active in the I. S. U.?

A. Yes, sir.

Q. Did the I. S. U. hold meetings aboard ship?

A. Very seldom. I never seen one.

Q. Did they have delegates?

A. Not particular ships.

Q. How is that?

A. Not particular ships, that I can remember. They might have had them on some ships.

(Testimony of Clarence Buckless.)

Q. Any time on those ships was there any question in your mind that you were entitled to overtime, and you didn't receive it from the captain of the ship?      A. No.

Q. Do you remember? [765]

A. No, I never did.

Q. All right. Do you recall the crew having any grievances?      A. No.

Q. You do not?      A. No, sir.

Q. Does that apply to Standard of New York ships?      A. Yes, sir.

Q. They were better ships than Texas Company ships, weren't they?      A. I wouldn't say.

Q. You had a lot of grievances when you were on The Texas Company ships for a short period of time, did you not?      A. Yes.

Q. But you had very few, if any, on the Standard of New York ships, is that correct?

A. Yes, sir.

Q. And yet you sailed on The Texas Company ship?

Mr. Wright: I object for the reason that it is argumentative.

Trial Examiner Myers: That is a little argumentative.

A. Ships are not all alike. There might be ships in The Texas Company that we would not have any trouble with.

Q. (By Mr. Van Dusen) But didn't you on direct examination say that you wanted to get back

(Testimony of Clarence Buckless.)  
on the SS "Nevada" or the SS "Washington"?

A. Yes, sir. [766]

Mr. Martin: Mr. Examiner, I might clarify the record. Mr. Buckless testified that he would like to get back on Texas Company ships.

Trial Examiner Myers: I think that was the testimony.

Mr. Van Dusen: I will check that during the noon recess.

Trial Examiner Myers: Well, let's have no more discussion about it. Do you object to the question.

Mr. Martin: I object to any incorrect description of the direct examination.

Trial Examiner Myers: I know it was unintentional. Do you want to withdraw it?

Mr. Van Dusen: I think that is what he testified.

Trial Examiner Myers: I mean, if there was a mistake.

Mr. Van Dusen: If there was a mistake, yes. I will ask it both ways.

Trial Examiner Myers: Ask it both ways, and I will overrule the objection. Will you answer the question?

Mr. Van Dusen: Read the question please.

(The question was read by the reporter.)

Q. What? A. I said yes.

Q. Now, it was those two ships where you had all those grievances, isn't that right?

Mr. Martin: Mr. Examiner, my last question

(Testimony of Clarence Buckless.)

was with- [767] drawn as I understand it upon your assertion that you would ask the question both ways. Now, you have asked it only one way.

Mr. Van Dusen: I said, did you testify.

Trial Examiner Myers: Do you mean you wanted to go back to The Texas Company ships, or those particular ships? What do you mean?

A. I said in my statement I would like to go back aboard the SS "Nevada".

Q. All right. A. In the statement. [768]

Q. (By Mr. Van Dusen) You would like to go back on the SS "Washington" if you had a chance?

A. (The witness hesitating) Yes.

Q. You would? A. Yes, sir.

Mr. Martin: May I ask a question?

Trial Examiner Myers: Hold your question until redirect examination.

Q. (By Mr. Van Dusen) Now one of those ships was the SS "Washington" that you had complaints about the food? A. Yes, sir.

Q. Did you ever have any complaints about food on the Standard of New York ships?

A. No, sir.

Q. You would like to go back on a ship where the food was not so good?

A. Didn't I make the statement that the food got better?

Q. Yes, but it was bad, wasn't it?

A. Yes, but we had good food when I left.



(Testimony of Clarence Buckless.)

Mr. Wright: Mr. Examiner, this whole line of questioning, I think, is argumentative. I don't see any value in arguing with the witness. He says he wants to get back on a Texas Company ship.

Mr. Van Dusen: Mr. Wright, I want to know what the witness thinks about it, not you. [769]

Trial Examiner Myers: Overrule the objection. Proceed, Mr. Van Dusen.

Mr. Van Dusen: Will you repeat that last question, please?

(The question was read by the reporter.)

Q. Now you say you were fired from both ships?

A. Yes, sir.

Q. And you still would like to work under the same officers who fired you? A. Yes, sir.

Q. Now, to sum it all up, despite the fact that you had few, if any, grievances on the Standard of New York ships, and despite the fact that you had numerous grievances on The Texas ships, "Nevada" and "Washington" and despite the fact that you were fired from these two ships, you would still prefer to go on either of those ships to a Standard Oil ship?

Mr. Wright: Mr. Examiner, that is a very fine speech on the part of Mr. Van Dusen, but I would like to object upon the ground that it is argumentative.

Trial Examiner Myers: Overruled. Please answer.

A. Yes, I would rather go back on their ships.

(Testimony of Clarence Buckless.)

Q. All right. A. Yes, sir.

Mr. Van Dusen: Mr. Examiner, Judge Williams thought that since I had finished that particular line of questioning we [770] might recess.

Trial Examiner Myers: Do you want to recess now for lunch? That is agreeable to me, but I must insist that everybody be back here a quarter to one on time.

Mr. Martin: Will you make it 1:30, Mr. Examiner?

Trial Examiner Myers: 1:30. What about sitting this evening, and what about sitting tomorrow? What do you gentlemen want to do about that?

Mr. Van Dusen: Let me talk to Mr. Martin.

Trial Examiner Myers: Off the record.

(Discussion off the record.)

Trial Examiner Myers: We will stand adjourned until 1:30.

(Thereupon, a recess was taken until 1:30 o'clock p. m.) [771]

#### After Recess

(Whereupon, the hearing was resumed, pursuant to recess, at 1:30 o'clock p. m.)

Trial Examiner Myers: Are you ready?

Mr. Van Dusen: Yes.

(Testimony of Clarence Buckless.)

CLARENCE BUCKLESS

resumed the stand and testified further as follows:

Cross Examination

(Continued)

Q. (By Mr. Van Dusen) Mr. Buckless, I believe you testified that on your trip to New Haven a new ordinary seaman came on board, one Patrick Dalton? A. Yes, sir.

Q. That was on the SS "Nevada"?

A. Yes, sir.

Q. Do you know the approximate date of that?

A. No, I don't.

Q. And I believe you testified that you met him just about as he came aboard?

A. In the passageway.

Q. In the passageway? A. Yes.

Q. And the first question you asked him was whether he had a Union card, is that right?

A. I asked him who he was and what work he done; you know, what he was aboard the ship for. He said he was the new [772] ordinary.

Q. The new what? A. Ordinary.

Q. Then did you ask him about his Union affiliations?

A. I asked him if he carried a Union book.

Q. And he showed you the so-called Fink book or Copeland book? A. Yes, sir.

Q. And then you said to him, did you not, "That

(Testimony of Clarence Buckless.)

doesn't go here. This ship is one hundred per cent Union and we don't want anybody on here but Union men," is that right?      A. Yes, sir.

Q. Well, he was a Union man, wasn't he?

A. No, sir.

Q. What does a Copeland book represent; a Fink book? Did he say he was an I. S. U. man?

A. No. That was the first ship he was ever on.

Q. So you said, "We don't want anybody on here but Union men," did you not?

A. Yes, sir.

Q. Were you hiring the ordinary seamen for that boat?      A. No, sir.

Q. Did you have any authority from the captain or any of the officers to make that statement to Mr. Dalton?      A. No, sir. [773]

Q. Do you believe that the captain and officer can hire any ordinary seamen they desire?

A. I believe so.

Q. Well then that was just your method of organizing the ship?      A. Yes, sir.

Q. To take over the hiring, isn't that right?

A. No, sir.

Q. Isn't that what you were trying to do?

A. I was not hiring him.

Q. You said "That doesn't go here. This ship is one hundred per cent Union and we don't want anybody on here but Union men," is that right?

A. That is right.

Q. That comes pretty close to indicating that

(Testimony of Clarence Buckless.)

you are hiring the men, doesn't it?      A. No, sir.

Q. Is it the policy of the Union to make statements like that to men who come aboard ship?

Mr. Wright: Mr. Examiner, I object to that for several reasons, one of which is that it is irrelevant and immaterial and in the second place the Union is not on trial here for its policy, good or bad.

Trial Examiner Myers: Sustained.

Mr. Van Dusen: May I make a statement for the record please? [774]

Trial Examiner Myers: Certainly.

Mr. Van Dusen: I was ready for this particular objection. I want to point out that yesterday, Mr. Examiner, you permitted Mr. Blasingame to testify regarding the policy of the Union and I think I ought to have the same right.

Trial Examiner Myers: Well, I don't believe I did.

Mr. Van Dusen: Well, may I read it?

Trial Examiner Myers: Certainly.

Mr. Van Dusen: Mr. Martin was asking the questions and he asked this question:

"Mr. Blasingame, do you know what the Union thinks of places like Mrs. Mitchal's?

"Mr. Van Dusen: I object to that.

"Mr. Martin: He can answer yes or no.

"Mr. Van Dusen: He can't testify as to what the Union thinks.

"Mr. Wright: He is a member of it.

"Trial Examiner Myers: I don't know why



(Testimony of Clarence Buckless.)

you insist upon pursuing this. I will take judicial notice of it that they frown upon any procedure of registering with anybody except through the Union Hall. Now we have Mr. Gordon testifying to it and we have this witness who testified to it and we have Ames' testimony.

"Trial Examiner Myers: All right. Will you please [775] answer this question, Mr. Witness."

Trial Examiner Myers: Well you failed to read that part of the testimony where I said I would allow testimony as to what the Union members did and wouldn't allow any testimony as to the policy of the Union. Now I even said "That is the dividing line."

Mr. Van Dusen: Well he was permitted to testify as to what the Union thinks.

Trial Examiner Myers: Well that might have slipped by. I didn't intend that to go in.

Mr. Wright: Mr. Examiner, the argument, it seems to me, is simply this—

Mr. Van Dusen: May I finish, Mr. Wright? May I finish?

Mr. Wright: Go ahead.

Mr. Van Dusen: Let me point to another place in the record:

"Question: Who does the hiring for The Texas Company?"

(Testimony of Clarence Buckless.)

“Answer: Through there?”

“Question: Yes.

“Answer: Mr. Meyers.

“Question: Why didn’t you register there?”

“Answer: I couldn’t see any use in registering, because Mr. Meyers, he always came there to pick up his men and he didn’t come there to pick me up.

“Question: Why not? [776]

“Answer: Because he knows me. He said he did anyhow.

“Question: Does the Union have any policy about such places as Mrs. Mitchal’s?”

“Mr. Williams: Now we object to that. I don’t think that it is written in the law yet that they can absolutely prevent people from registering at other places where they might get work.

“Trial Examiner Myers: I will overrule the objection.”

Trial Examiner Myers: Well, I will add here that as long as I allowed them to ask that question I will reverse myself now and allow you to ask this question.

Mr. Wright: Mr. Examiner, the Union wants this exception in the record and I am sure that the Board does too to the ruling of the Examiner in that connection and I should like to point out in the record that the purpose for which various types

(Testimony of Clarence Buckless.)

of testimony with respect to the policy of the Union was admitted is entirely different in the two cases.

In the cases pointed out by Mr. Van Dusen the situation was that there was some question with respect to whether or not members of the Union were encouraged or discouraged from soliciting certain kinds of jobs in certain kinds of ways. This Union is not on trial for its conduct, good or bad; it is not on trial for its policy, good or bad, and certainly it does not lie within the province of the respondent [777] company to undertake to dictate the policy of the Union or to question the policy of the Union, in as much as they are not members of it and have no right to determine the policy of the Union in any matter. [778]

Mr. Van Dusen: Mr. Examiner, I insist that Mr. Wright can't have his cake and eat it too.

Trial Examiner Myers: Now I agree with you.

Mr. Wright: I was just noting my exception.

Trial Examiner Myers: I said I would agree with you because I erred yesterday and allowed the Board to ask that question yesterday and it is no more than fair that I permit you to ask it now.

Mr. Martin: Mr. Examiner, may we believe that you will err only once more in the case by allowing only one more question by Mr. Dusen?

Trial Examiner Myers: Well, I don't want to say I will err, but as long as I ruled that way yesterday, it is only fair to let him put the question now.

(Testimony of Clarence Buckless.)

Mr. Van Dusen: That is all I want is fair treatment.

Trial Examiner Myers: Will you read the question to the witness?

I am sorry that that crept into the record. I tried to keep that as the dividing line.

Mr. Van Dusen: Will you read the question, please, Mr. Reporter?

(The last question was read.)

Mr. Wright: If this man knows.

Trial Examiner Myers: Do you understand the question?

A. Yes. Well, just a minute. I will answer it in a minute. [779]

Trial Examiner Myers: You were hesitating. That is why I asked you whether you understood the question. A. Yes, I understand it.

It is the policy of the union in one way that that is our rights to organize and become a union aboard those ships. Therefore I think I had the right——

Q. (By Mr. Van Dusen) (Interrupting) To say that he had no right to be on the ship?

A. Without a union book.

Q. And that is the policy of the union, you think? A. I wouldn't say altogether, no.

Q. What is that?

A. I wouldn't say altogether it was the policy of the union to say that a man—it is their policy to make the men union or ask them; not force them, but to ask them and show them where they could

(Testimony of Clarence Buckless.)

have better conditions.

Q. That is not what you did. You didn't try to persuade him to join the union, did you?

A. Yes, I told him to go ashore and get a union book.

Q. Did you say that yesterday?

A. No. I haven't got all that in there, no. There is a whole lot more that I could have put in my testimony.

Q. But that was your first statement to him, wasn't it? A. Yes.

Q. Don't you believe that a non-union man has a right to work as well as a union man? [780]

A. Certainly.

Mr. Wright: I object to that. That is certainly irrelevant and immaterial as to what he believes about a union and a non-union man working.

Trial Examiner Myers: I will overrule the objection, but it is getting quite argumentative.

Mr. Van Dusen: Well, may I explain? The heart of this case is union activities. Now if they are engaged in legitimate union activities, that is one thing. If on the other hand trouble is being stirred up, that is something else. This is one thing I will have to insist on and I am going to insist on putting my questions in the record. If you want to overrule me, all right, but I have to do this.

Trial Examiner Myers: I am not stopping you from asking any question or any line of questioning, but in the first place I overruled the objection and



(Testimony of Clarence Buckless.)

in the second place I just cautioned you not to get into any argument with the witness, because I can see it is just being argumentative now.

Mr. Van Dusen: Well, you can see I am having trouble getting answers.

Trial Examiner Myers: Proceed, will you, please?

Mr. Van Dusen: Will you read the question, please?

(The last question and answer were read.)

A. (By Mr. Van Dusen) Now at about the time you made that statement the mate came into the passageway, didn't he? [781] A. Yes, sir.

Q. And you spoke to him. What did you say to the mate? A. The mate spoke to me.

Q. Well, what did he say to you?

A. He told me as soon as I ate to get the men out on deck.

Q. What is that?

A. He told me to get the men out on deck.

Q. I mean what did he say at the time you were speaking to Mr. Dalton?

A. He told Mr. Dalton to go back and change his clothes and come out on deck.

Q. Didn't you say yesterday that the mate stepped in and said: "What is the matter?"

A. Perhaps.

Q. Do you deny that you said that? A. No.

Q. And didn't you say in reply, "This man has not got a union book, so I suggested that he go ashore with his suitcase"? A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. So that you thought he ought to get right off the boat, didn't you? A. And get a union book.

Q. Yes, but you didn't try to persuade him to join the union, did you?

A. Well, there wasn't much time right then to do that. [782]

Q. Well, couldn't you have talked it over with him during the course of the trip? A. Yes.

Q. Don't you think that was the thing to do?

Mr. Wright: Mr. Examiner, I would like to inquire what is material about what this witness thinks with reference to whether it is the thing to do or the thing not to do?

Mr. Van Dusen: Well, he said he thought it was a good thing to have a union book.

Mr. Wright: The union thinks it is a good thing for union men to work.

Trial Examiner Myers: If you have any remarks to make will you please ask me for time out and I will take it off the record. Now will you proceed with your examination?

Mr. Van Dusen: Are you making an objection, Mr. Wright?

Trial Examiner Myers: There is no objection on the record.

Mr. Van Dusen: May I have that question read, please?

(The last question was read.)

Mr. Wright: Well now I object, Mr. Examiner, to the question for the reason that I feel it is irrele-

(Testimony of Clarence Buckless.)

vant and immaterial what this man thought about it. As a matter of fact we are willing to stipulate that the union always wants union men on the ships, especially if there are a lot of union men on the beach. [783]

Mr. Van Dusen: Can you stipulate that it is the union policy to do exactly what Mr. Buckless says they did in this particular case?

Mr. Wright: As I understand what he says. As far as I understand the matter—I can't speak for the Board—I am willing to stipulate that the union always wants union men on the ships in preference to non-union men, that there were a lot of union men on the beach, and that this man was not a union man. I am willing to stipulate that it is always the policy of the union to want only union men to work on the ships. .

Mr. Van Dusen: May I proceed.

Trial Examiner Myers: I asked both of you gentlemen to please proceed with the examination without having any argument.

Mr. Van Dusen: May I have the last question?  
(The last question was read.)

Mr. Wright: Do I understand that my objection is overruled?

Trial Examiner Myers: Yes, it is overruled.

A. It might have been the thing to do and then again if they brought all non-union men aboard that ship where would we be? The company had

(Testimony of Clarence Buckless.)

a vote with eighty some per cent that they should carry then union men. That was what they were supposed to do, I believe.

Q. (By Mr. Van Dusen) How about the other 20 per cent? You [784] think they should be fired?

A. No, I don't

Q. Now after you said to the mate that you suggested that this man go ashore with his suitcase didn't the mate say this to you, "Now you go on back to the forecastle and change your clothes and come out here on deck"? Is that what he said?

A. Yes, sir.

Trial Examiner Myers: He said that to the new seaman.

A. The new ordinary, yes, sir.

Q. (By Mr. Van Dusen) So the mate didn't send him ashore, did he? A. No, sir.

Q. Now after the mate made that statement were you satisfied that he belonged on the ship?

A. Certainly. He belonged on the ship all the time from the time he was hired, I guess.

Q. But you didn't want him?

A. As a union man, no.

Q. Now did you treat every new man in the same way while you were on the "Nevada" and the "Washington"?

A. They weren't all the same men.

Q. I mean every time a new man came on board did you do the same thing?

(Testimony of Clarence Buckless.)

A. It all depended on the type of man that came aboard. [785]

Q. Was this the first time you had seen this man?      A. That is the first time.

Q. And you didn't know much about him, did you?      A. No.

Q. Now I repeat my previous question: Do you treat every man that comes on a boat for the first time for a job the same way?

Mr. Wright: Mr. Examiner, I want to object—

Trial Examiner Myers: Will both you and the witness wait until the question has been propounded?

Mr. Wright: I thought he had finished.

Trial Examiner Myers: Have you finished your question, Mr. Van Dusen?

Mr. Van Dusen: Will you read the question?

(The last question was read.)

Trial Examiner Myers: Now what is your objection?

Mr. Wright: The objection is that the question is irrelevant and immaterial.

Trial Examiner Myers: Overruled. Now what is the answer?

A. The answer is the man did not know—

Q. By Mr. Van Dusen: No. No. Just answer that question. I don't want anything else.

Trial Examiner Myers: Will you please let the witness answer the question?



(Testimony of Clarence Buckless.)

Mr. Van Dusen: But he is not answering the question. [786]

Trial Examiner Myers: If it is not responsive you can move to strike it out.

Now will you read the question again and will you please listen to the question carefully, Mr. Witness, and answer it.

The Witness: Yes, sir.

(The last question was read.)

A. I did on that boat.

Q. (By Mr. Van Dusen) You did on that boat? That is, the "Nevada"? A. Yes.

Q. How about the "Washington"?

A. I wasn't delegate on that, sir.

Q. Well, you didn't do it on the "Washington"?

A. I wasn't boatswain on the "Washington."

Q. Well, I mean you didn't do this sort of thing on the "Washington"?

A. I had no right to do it.

Trial Examiner Myers: Did you do it or not and let's quit arguing. A. I said, no, sir.

Q. (By Mr. Van Dusen) Do you know of your own knowledge whether Mr. Rosen handled new seamen in the same manner on either the "Nevada" or the "Washington"? A. I do not. [787]

Q. Now you were this man's boss, were you not?

A. Yes, sir.

Mr. Wright: When you get through with this line of questioning I want to reserve a motion to

(Testimony of Clarence Buckless.)

strike as soon as you finish this line of questioning.

Are you finished?

Mr. Van Dusen: Yes. I am starting something else.

Mr. Wright: Now, Mr. Examiner, in order to properly preserve my objections to the testimony, I move that all the questions and answers made from the time the objection was made be stricken.

Trial Examiner Myers: Motion denied.

Q. (By Mr. Van Dusen) Now, Mr. Buckless, you were his boss, were you not?

A. Yes, sir.

Q. And you started to put him to work and you found that he knew very little? Correct?

A. That is right.

Q. Now were you ever an ordinary seaman?

A. Yes, sir. [788]

Q. How do you become an ordinary seaman?

A. Well, in the days when I was an ordinary, I joined the ship——

Q. (Interrupting) Let's speak about this time.

A. About this time?

Q. Yes.

A. Well, I haven't been an ordinary. I couldn't answer that question.

Q. Well, you had ordinaries under you, didn't you? A. Yes.

Q. And you don't know how they become ordinaries?

(Testimony of Clarence Buckless.)

A. There is different ways. I have heard they are supposed to go as cadets or similar to that effect for six months.

Q. Where? A. On board ship.

Q. Ships like that one you were on?

A. I couldn't answer that question whether it was ships like that, cargo ships, passenger ships, or what it may be.

Q. All right. Any other way that they become an ordinary seaman?

A. That is the only way I have heard.

Q. Do they require a license? Do they have to have a license?

A. After that time as I understand it they are supposed to get a Copeland book or book of identification. [789]

Q. That is all they have to have, is that correct?

A. Or a certificate of identification.

Q. That is all they have to have? A. Yes.

Q. And he had that, didn't he? A. Yes.

Q. Didn't he? A. Yes.

Q. So that he had all that was required at that time?

A. He said he was never aboard a ship before.

Q. But I mean he had all that was required?

A. Yes, he had it.

Q. Now, isn't it a fact, Mr. Buckless, that an ordinary seaman is really a novice, a beginner, isn't that a fact? A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. And one of your duties was to teach him, so that he could become an A. B., isn't that correct? Isn't that so?

A. That is really up to the man to teach himself. I was aboard there to do other work; not to teach him.

Q. Well, now, you were over a group of ordinary seamen, weren't you and A. B.'s?

A. Yes, sir.

Q. You issued orders to them, did you not?

A. I did.

Q. And A. B.'s had to have experience, did they not? Does [790] an A. B. have to have a license?

A. An able-bodied seaman's ticket.

Q. How long does it take them to get a license?

A. Three years, I believe.

Q. Now, what an ordinary seaman tries to do is to earn an A. B.'s license, isn't that right?

A. Yes.

Q. And until that time he is learning and he is an apprentice, isn't he?      A. Yes, sir.

Q. Now, one of your duties and one of the duties of the other A. B.'s was to assist him for a while until he got on to the job, isn't that so?

A. Yes, sir.

Q. So that when the mate told you not to be too hard on this fellow he was right, wasn't he?

A. Which I was.

Q. Now, didn't you testify that you were pretty disgusted with this fellow?

(Testimony of Clarence Buckless.)

A. I certainly was.

Q. Yet he was a novice, wasn't he?

A. A new beginner.

Q. Now, isn't a fact, Mr. Buckless, that the reason why you were hard on him was because he was not a union member?

A. No, sir. [791]

Q. You say "No, sir"?

A. No, sir.

Mr. Wright: Now, Mr. Examiner, I want to object to the question for the reason that it is irrelevant and immaterial to anything involved in this case.

Trial Examiner Myers: Overruled.

Q. (By Mr. Van Dusen) What is the answer?

A. No, sir.

Q. Did he later join the N. M. U.?

A. No, sir.

Q. Do you know whether he is still on the ship?

A. No, sir, he left the ship in New Haven, Connecticut.

Q. How long after he started did he leave?

A. Well, he rode the ship from Port Arthur to New Haven and got off.

Trial Examiner Myers: You mean he jumped the ship?

A. Well, he left the ship; left his clothes and everything.

Trial Examiner Myers: Is that what they call jumping a ship?

A. Yes. The man really, was everybody thought, he really wasn't all there.



(Testimony of Clarence Buckless.)

Mr. Van Dusen: I move to strike out that last sentence as not responsive to my question.

Mr. Wright: Mr. Examiner, Mr. Van Dusen asked for that.

Mr. Van Dusen: No, I didn't ask for that. Read my question [792] please?

(The testimony referred to was read.)

Mr. Van Dusen: I submit that last sentence is not responsive.

Trial Examiner Myers: All right. Take out everything after the word "Yes." Otherwise, denied.

Q. (By Mr. Van Dusen) Did Mr. Dalton attend any of the meetings of the crew?

A. Why, yes, he did.

Trial Examiner Myers: You mean union meetings? A. Union meetings.

Q. (By Mr. Van Dusen) Did he attend your meetings? A. Yes, sir.

Q. Did you ask him to?

A. Not personally. There was — we always posted a sign whenever we had a meeting; at a certain date and hour and so on; and the men all came to that.

Q. And he attended some of those meetings?

A. Yes, sir, one meeting.

Q. Did you tell him he had to attend the meetings? A. No, sir.

Q. Now, I believe you testified, Mr. Buckless, that you and Chief Tranberg were pretty friendly on the "Nevada" that first trip?

(Testimony of Clarence Buckless.)

A. Yes, sir, all the time, yes, sir. [793]

Q. Throughout the entire trip you considered him a friend of yours?      A. Yes, sir.

Q. Was he a good mate in your opinion?

A. Yes, I think he is a very good mate.

Q. Did you always respect his judgment on matters pertaining to the operation of the ship?

A. Yes, sir.

Q. He was your superior, wasn't he?

A. He was.

Q. He issued orders to you?      A. Yes, sir.

Q. And also to Mr. Rosen?

A. Well, now, he could I believe, but as a general rule they consult with the boatswain and tell—

Q. (Interrupting) You mean he issued them through you?      A. Through me, yes.

Q. You were the boss of that group and Mr. Rosen was an A. B., is that right?

A. That is right, yes.

Q. He was around the ship, watching the work going on on the ship?      A. The mate?

Q. Yes.      A. Sometimes. [794]

Q. His duty was to know what was going on, wasn't it?

A. Well, the man had the four to eight watch and naturally he had to get some sleep.

Q. Well I mean on his watch of course.

A. Well, on his watch he was on the bridge and wasn't down on the deck at all. He wasn't down on the deck at all then.

(Testimony of Clarence Buckless.)

Q. When was he down on deck?

A. Sometimes between the hours of eight and twelve in the forenoon.

Q. Any other time?

A. In the afternoon he generally slept.

Q. Now you testified yesterday that you thought Mr. Rosen was a good A. B.; a competent A. B.

A. Yes, sir.

Q. That you never saw him loaf.

A. Never did.

Q. Or neglect his duties. Now, you didn't see him all the time he was on duty during that trip, did you?

A. Mr. Rosen?

Q. Yes.

A. Well, I worked with him most of the time.

Q. Was he always on your same watch?

A. I worked all day.

Q. What hours? [795]

A. From eight in the morning until twelve and from one until five.

Q. And when did he work?

A. He worked from eight in the morning until twelve and from eight at night to twelve midnight. Therefore I was with him those four hours.

Q. The four hours in the afternoon you were not with him?

A. No, he was off the four hours in the afternoon.

Q. I mean in the night time you were not with him.

(Testimony of Clarence Buckless.)

A. I worked with him in the day time on the eight to twelve.

Q. You were not with him at night?

A. No, sir.

Q. So you don't know whether he neglected his duties at night.

A. No.

Q. Personally. I am talking about your own personal knowledge.

A. No.

Q. You don't know whether he loafed at night of your own personal knowledge?

A. No, sir.

Q. Now, of your own personal knowledge?

A. No, sir. I would like to explain that if you will let me. [796]

Q. No. I just want to know what you yourself know.

Mr. Wright: Mr. Examiner, if this witness has something in connection with that question to say he should be allowed to say it.

Trial Examiner Myers: I suggest you make a note of it and bring it out on redirect examination.

Q. (By Mr. Van Dusen) Now if Mate Tranberg told you that he thought Rosen neglected his duties and was not a good A. B., would you agree with him?

A. No, sir.

Q. And to that extent you would not respect his judgment?

A. Not in that case.

Q. Although you did say before that you respected his judgment? I asked you a little while

(Testimony of Clarence Buckless.)

ago whether you respected the chief mate's judgment and you said "Yes" did you not?

A. Yes, but not in that case I wouldn't.

Q. In this case you would not? A. No.

Q. That is not because Mr. Rosen is closely associated with you in these Union matters, is it?

A. No, sir.

Q. Now you said something about beer coming aboard the ship at Cat Island and I think you testified you didn't order the beer, is that correct?

A. Beer coming from shore in Cat Island? [797]

Q. Yes.

A. I am afraid you have a mistake there.

Trial Examiner Myers: He was bringing the beer aboard at Port Arthur.

Q. (By Mr. Van Dusen) Port Arthur. I am sorry. Port Arthur, is that it?

A. Yes, sir.

Q. That was not for you? A. No, sir.

Q. You say Mr. Hart had it sent aboard?

A. Yes, sir.

Trial Examiner Myers: But this gentleman was carrying the beer on board.

Q. (By Mr. Van Dusen) You carried it aboard for him?

A. I didn't carry it aboard. I was carrying it aboard. I didn't carry it aboard.

Q. Do you know whether he ever got the beer?

A. I do not.



(Testimony of Clarence Buckless.)

Q. Did you ever ask him whether he got it?

A. I never did.

Q. Well, you brought it aboard for him, didn't you?

A. I didn't.

Q. Who did?

A. I don't know. I don't know as he ever got it.

Q. You were not even interested? [798]

A. Not after the captain told me I couldn't take it aboard.

Q. Weren't you a little bit curious as to whether he got it?

A. No. It was not my beer. I was doing him a favor as I thought as he asked me if I would carry it aboard the ship. I met the mate and set it down on the dock. Then I met Mr. Hart and informed him where his beer was and I was finished with it.

Q. What did the captain or the mate say?

A. What did the mate say?

Q. Well, the captain.

A. The captain told me I couldn't take it aboard; If I did, I would be fired.

Q. Weren't you interested in learning whether Mr. Hart really got that beer?

A. No, sir.

Q. You never drank any of it, did you?

A. No, sir.

Q. Now, Mr. Buckless, who did you say were active in Union work aboard the "Nevada"?

A. Lee Holmes.

(Testimony of Clarence Buckless.)

Q. Yes.           A. Gordon Rosen.

Q. Yes.           A. Sidney Cole. [799]

Q. What is that? Sidney what?

A. Sidney Cole.

Q. C-o-l-e.           A. I believe that is it.

Q. Anybody else?

A. C. Buckless, myself, and Radio Operator Jensen.

Q. Jensen? They were the most active ones, were they?           A. Lee Arnold.

Q. Oh, Lee Arnold.

A. Yes, they were the most active ones.

Q. Those men were all as active as you, weren't they?

A. No. The most active man was Gordon Rosen and myself and Lee Arnold—I mean Lee Holmes.

Q. Were any of those men ever delegated to go to see the captain or the chief mate regarding grievances?

A. Gordon Rosen, myself and Lee Holmes.

Q. How about Lee Arnold?

A. And Lee Arnold.

Q. Did Sidney Cole ever go up to see him about anything?

A. No, I don't believe he ever did. We never asked him or voted him to.

Q. How about the radio operator?

A. No, he never did either. I think he did at one time. He asked about the food on the ship, if I am not mistaken.

(Testimony of Clarence Buckless.)

Q. What is that? [800]

A. If I am not mistaken I think he went to see about the food at one time.

Q. Now, did these men leave the "Nevada" at the same time you did? A. No, sir. [801]

Q. When did Mr. Holmes leave?

A. Mr. Holmes fell down in the pump room just a trip before and hurt his hip and was taken ashore in an ambulance.

Q. Now, how about——

A. (Interrupting) Lee Arnold missed the ship.

Q. Where did he miss the ship?

A. In Port Arthur. Gordon and I were fired the following trip.

Q. Did Lee Arnold ever get back on the ship?

A. No, he never did.

Q. How about Radio Operator Jensen?

A. He is still steward.

Q. He is steward now?

A. No, he was steward then. If I said "radio operator" I made a mistake there.

Q. Yes. That is what you said.

A. I am sorry.

Q. He was steward? A. Yes, sir.

Q. Steward Jensen? A. Yes, sir.

Q. When did he leave or is he still aboard the ship? A. No, he is still aboard.

Q. He was still aboard when you were fired?

A. Yes, sir. [802]

(Testimony of Clarence Buckless.)

Q. Is he still on?           A. I believe he is.

Q. On the same ship?       A. Yes, sir.

Q. How about Sidney Cole?

A. I believe he is still there.

Q. Is he still on board?     A. Yes, sir.

Q. Now, while you were on the "Nevada" did the captain or the chief mate ever fire anybody other than, as you say, yourself and Rosen?

A. Yes, there has been men fired, I believe.

Q. Men fired all the time; I mean on and off men are fired, aren't they?     A. Yes.

Q. For what reasons?

A. Well, I couldn't explain the reasons.

Q. Incompetency?

A. Well, whatever they have a right to fire him for. I just couldn't answer that.

Q. Well, you think a man should be fired for being incompetent, shouldn't he?

A. Well, if he don't know his work.

Q. Yes, that is what I mean.     A. Yes, sure.

[803]

Q. He should be fired for being habitually drunk?

A. Yes, if he was a habitual drunkard.

Q. You think he should be fired?

A. If he was a habitual drunkard and couldn't do his work.

Q. Do you know whether the captain or the mate ever fires anybody for either one of those two reasons?     A. Not that I know of.

(Testimony of Clarence Buckless.)

Q. Now, on the SS "Washington", who were the active union members in addition to yourself and Mr. Zinkiewicz?

A. Gordon Rosen and there was another man, I believe. I can't think of his name.

Q. Well, that ship was practically one hundred per cent unionized, wasn't it? A. Yes, sir.

Q. And weren't there more active men there than on the "Nevada"?

A. I wouldn't say. I think they were about evenly matched ships.

Q. Well, can you name some of them in addition to the three; that is, you, Rosen, and Zinkiewicz?

A. Well, I was only on there two trips.

Q. Well, you had meetings?

A. Yes, but I didn't know the men.

Q. Did you have meetings? A. Yes, sir.

[804]

Trial Examiner Myers: What was your duty on the "Washington?"

A. I was quartermaster on the "Washington".

Q. (By Mr. Van Dusen) About how many attended those meetings on an average?

A. Sixteen to eighteen.

Q. Sixteen to eighteen? A. Yes, sir.

Q. Were you three the delegates or did you have any other delegates elected on that ship?

A. Well, there was the steward department, the engineer's department and the deck department.

Q. Well, can you name the delegates?



(Testimony of Clarence Buckless.)

A. No. That is pretty hard to do. I didn't know the men's names. I know that Zinkiewycz was deck delegate and Gordon Rosen was ship's delegate.

Q. And what were you? Were you a delegate on that ship? A. No.

Q. You were not? A. No.

Q. Who usually presented the grievances to the captain or the chief mate? A. The delegates.

Q. Zinkiewycz and Rosen? A. Yes, sir.

[805]

Q. Did anybody else ever present grievances to your knowledge, to the captain?

A. Not that I know of.

Q. Did anybody else ever go up with you or with Rosen?

A. Yes. At one time there were three quartermasters, including myself.

Q. Who were the quartermasters? Do you know their names?

A. No, I don't. I can't think of the names.

Q. Suppose you look at the articles. Maybe they will help you. A. Archie C. West.

Q. Archie West. Did he ever go up to the captain with a grievance?

A. He went along with us.

Q. I see. A. And Ernest Zehreel.

Q. Did he ever present grievances?

A. He went up too. And Buckless was the other quartermaster.

(Testimony of Clarence Buckless.)

Q. But he went up to the captain at that time with a grievance along with you?

A. Who is that?

Q. This fellow Zehreel.

A. At one time he did.

Q. Anybody else that you recall from that list who from [806] time to time may have discussed with the captain some grievance?

A. Zinkiewicz and Rosen.

Q. Did Mr. Zehreel or whatever his name is, leave the ship at the same time you did?

A. No, he stayed on.

Q. Is he still on?

A. No, I don't believe he is.

Q. Well, he didn't leave at the time you did?

A. No, sir.

Q. He stayed on perhaps for another trip?

A. Yes, sir.

Q. Do you know whether he left voluntarily or not?

A. No, I don't.

Q. You don't know? A. No.

Q. Did Mr. West leave at the same time you did?

A. I believe Mr. West is still aboard.

Q. Now, the captain knew, did he not, that you, Zinkiewicz, and Rosen were union men?

A. Yes, sir.

Q. You say he knew it? A. Yes, sir.

Q. He at least knew you were speaking for a group of the crew regarding complaints, didn't he?

[807]

(Testimony of Clarence Buckless.)

A. Yes, sir.

Q. He knew that West was speaking for the crew?

A. West wasn't speaking. He was standing by as a witness.

Q. Well, he was with your delegation, wasn't he?

A. Yes, he was with our delegation.

Q. He had the same complaint and the same applies to Zehreel? A. Yes, sir.

Q. And if the captain knew that you were a union man he knew that West and Zehreel were union men? A. I believe so.

Q. Now, Captain Bergman didn't fire West and Zehreel for union activities, did he? In fact, he didn't fire them at all, did he?

A. Not that I know of.

Q. Well, I mean when you say he fired you, he didn't fire those two men, did he? A. No.

Q. And as far as you know, West is still on the boat, isn't he? A. Yes, sir.

Q. And Zehreel, you are not sure whether he quit or not? A. No, sir. [808]

Q. Now on the SS "Nevada" you said that the captain from time to time discharged the men, did you not, Captain Swanson, he discharged men from time to time; you said that, didn't you?

A. The captain or the mate.

Q. The captain or the mate? A. Yes, sir.

Q. To your knowledge, did he ever discharge any non-union men? A. Not that I know of.

(Testimony of Clarence Buckless.)

Q. You wouldn't say he did not?

A. No, I wouldn't say that he did not or that he did.

Q. How about Captain Bergman, to your knowledge, did he ever discharge any non-union men?

A. Not that I know of.

Q. You wouldn't say he did not? A. No, sir.

Q. I believe this morning you testified that you were not sure that these were the working rules that were posted on the ships, the SS "Nevada" and the SS "Washington", but that you did recognize some of the provisions, is that correct?

A. Yes, sir.

Q. Do you recognize this provision?

Trial Examiner Myers: Off the record.

(Discussion off the record.)

Q. (By Mr. Van Dusen) Do you recognize this particular rule: [809] "No employee will lose his job or be forced off a ship because of his membership or non-membership in any organization."

A. That was one of the rules that I first looked at that I don't remember seeing on this other ship.

Q. You don't remember seeing that?

A. No. It might have been there. I overlooked it if it was.

Q. You wouldn't say it was not, would you?

A. No.

Q. Now didn't you read the rules carefully?

(Testimony of Clarence Buckless.)

A. Not altogether. I glanced through them, things that I wanted to know from time to time.

Q. But you, as a union man, as a delegate on the "Nevada", were interested in this very thing, weren't you?

A. Yes, but I cannot carry those things in my head.

Q. You would read them through, wouldn't you?

A. Yes.

Q. Is there anything in these rules saying that nobody will lose his job or be forced off the ship because of membership or non-membership; is there anything in the rules to that effect, not the exact words?

A. There might have been.

Q. Well, don't you know? A. No.

Q. You were not particularly interested in that type of [810] rule, were you?

A. I might have been.

Mr. Wright: Mr. Examiner, I object to that.

Trial Examiner Myers: Will you please object before the witness answers. I cautioned you and cautioned the witness not to answer if there is an objection.

Mr. Wright: May I have a motion to strike?

Trial Examiner Myers: Leave it in. The motion is denied.

Q. (By Mr. Van Dusen) You wanted the crew to be 100 per cent union, didn't you?

A. Yes, sir.



(Testimony of Clarence Buckless.)

Q. It couldn't be under such a rule, could it?

Mr. Wright: Mr. Examiner, I object to that for the reason it calls for a conclusion of the witness, and furthermore it is argumentative.

Trial Examiner Myers: I will sustain the objection on the ground it is argumentative.

Mr. Van Dusen: May I rephrase it?

Trial Examiner Myers: Certainly.

Q. (By Mr. Van Dusen) Do you think, Mr. Buckless, that under such a rule the ship could be 100 per cent union?

Trial Examiner Myers: Well, that is not argumentative, but it leaves something to my imagination.

Q. (By Mr. Van Dusen) I would like to ask the question. A. Yes. [811]

Q. You think it could? A. Yes.

Q. Now, Mr. Buckless, isn't it a fact that on a number of occasions, at a number of ports, you came on the ship in an intoxicated condition?

A. Never.

Mr. Martin: Which ship, please?

Trial Examiner Myers: Were you listening to the question?

Mr. Martin: Which ship?

Trial Examiner Myers: He said a number of ships and a number of ports.

Mr. Martin: I am sorry.

Q. (By Mr. Van Dusen) Now on the SS "Nevada" on this trip to Spain, it stopped at Bilbao?

(Testimony of Clarence Buckless.)

A. Yes, sir.

Q. How many days were you at that port?

A. Three, I believe, three or four; three days, I believe.

Q. Now while in that port, didn't you come aboard the ship in an intoxicated condition?

A. No, sir.

Q. Isn't it a fact that you were in such condition that the mate told you that you could not attend to your duties?      A. No, sir.

Q. Isn't it a fact that you were late for your watch when [812] you came aboard at Bilbao?

A. I was not late.

Q. You were not late?

A. I couldn't get aboard the ship though. The ship had broken away from the dock.

Q. You say you were not late?

A. I was on the dock by the side of the ship. I couldn't get aboard.

Q. On that same ship at New Haven, Connecticut, did you not come aboard in an intoxicated condition?      A. No, sir.

Q. At the port Boston while on that ship, while that ship was in port, did you not come aboard in an intoxicated condition?      A. No, sir.

Q. Is it not a fact that on a number of occasions you were drunk while on board ship?

A. No, sir.

Q. Isn't it a fact that both Mate Tranberg and Captain Swanson warned you on a number of oc-

(Testimony of Clarence Buckless.)

casions that you would have to quit habitual drinking? A. No, sir.

Q. Isn't it a fact that Mate Tranberg and Captain Swanson both told you that they would not sign you on new articles because you were habitually drinking? [813]

A. No, sir.

Q. On the SS "Washington" isn't it a fact that you came aboard at Claymont, Delaware, in an intoxicated condition?

A. I had one chocolate milk at Claymont. That is every drop of liquor I drank.

Trial Examiner Myers: Liquor or liquid?

A. Liquid.

Q. (By Mr. Van Dusen) And your answer is "no"? A. No.

Q. You were at Claymont, Delaware, on July 4?

A. Yes, sir.

Q. Which was a holiday? A. Yes, sir.

Q. Where did you go?

A. July 4 I stayed aboard the ship until the night of the 4th.

Q. Until what?

A. Until the night of the 4th. I went to the fire works that evening.

Q. Where? A. There at Claymont.

Q. What else did you do?

A. Came back aboard the ship?

Q. How long were you there?

A. About three hours. [814]

(Testimony of Clarence Buckless.)

Q. That is when you had the drink you referred to?  
A. Yes, sir.

Trial Examiner Myers: Didn't you tell us this morning you went to Philadelphia?

A. That was on the "Paulsboro".

Q. Wasn't it the 4th of July?

A. On the "Paulsboro".

Q. (By Mr. Van Dusen) Was that when you had the drink you referred to a little while ago?

A. No. I had the chocolate milk on Sunday, the day before the 4th.

Q. On July 3rd? A. Yes, sir.

Q. Were you in Claymont, Delaware, that day?

A. Yes, sir, the day we arrived.

Q. You didn't go ashore that day?

A. I went ashore, yes.

Q. Did you go ashore on the 3rd, too?

A. Yes, sir.

Q. Isn't it a fact that on July 5th, the day following July 4th, you were in such condition, as the result of your drinking the day before, that you were unable to stand your watch?

A. The morning of the 5th I had hired a man to stand my watch. [815]

Q. Why?

A. For the reason I didn't think I would be back, but I was back.

Q. You went to see the fireworks?

A. Yes, sir.

Q. Did you intend to be out all night?

(Testimony of Clarence Buckless.)

A. I didn't know but what I might.

Q. You didn't know when you left the ship?

A. No. So I asked this man if he would stand it, and he said he would.

Q. Were you with anybody when you went ashore?

A. Yes.

Q. With whom?

A. With an oiler.

Q. Do you know his name?

A. No, I don't.

Mr. Van Dusen: Let me see the "Nevada" articles.

Q. (Showing the articles to the witness.) Do you recognize him?

A. This is the "Nevada" I believe I have here.

Q. Pardon me. It is the "Washington". I am sorry. I will show you the "Washington" articles.

A. I believe it is this one.

Q. F. Roderick?

A. That is not the fellow.

[816]

Q. That is not the fellow?

A. No, sir.

Trial Examiner Myers: Off the record.

(Discussion off the record.)

Q. (By Mr. Van Dusen) Mervic?

A. Yes, sir.

Q. Was he the one?

A. Yes, sir.

Q. Did he come back with you?

A. Yes, sir.

Trial Examiner Myers: What did he have to drink when you had the chocolate soda?



(Testimony of Clarence Buckless.)

A. We didn't drink nothing that night. This was Sunday I had the drink.

Q. Sunday, July—— A. July——

Trial Examiner Myers: This was July 4.

A. I went ashore both days.

Trial Examiner Myers: July 3rd he had a chocolate soda. On July 4th he didn't have any.

Q. (By Mr. Van Dusen) Did Mr. Mervie arrange to be relieved the following day?

A. I don't believe so.

Q. You don't think so? A. No, sir. [817]

Q. Did he intend to stay out all night?

A. No, he came back and stood his watch.

Q. He came back? A. Yes, sir.

Q. Now having come back to the ship, you say that you permitted this fellow to stand your watch, having made arrangement for it, is that right?

A. (No response.)

Q. Isn't it a fact that on July 5 you were found intoxicated and asleep on the deck?

A. No, sir.

Q. Are you sure of that? A. Yes, sir.

Q. Now isn't it a fact that on several occasions you were found in your bunk in an intoxicated condition when you should have been on watch?

A. No, sir, never, on either one of those ships.

Q. Isn't it a fact that after leaving several ports you were in such a bad condition from drinking that you had to go to the ship's hospital?

A. No, sir.

(Testimony of Clarence Buckless.)

Q. Now isn't it a fact that both Captain Bergman and chief mate Johanson told you that they would not sign you up on new articles on the SS "Washington" because you had been habitually drinking, and were therefore unable to properly attend to [818] your duties? A. No, sir.

Q. You deny that? A. I deny that.

Q. Who was present at the time you were paid off and got your certificate of discharge from the SS "Nevada" on or about April 18, I believe it is, 1938? A. The captain and the third mate.

Q. Do you know his name?

A. Roger Kelly, I believe.

Q. Roger Kelly? A. Yes, sir.

Q. Who was present at the time you were paid off and got your certificate of discharge from Captain Bergman on the SS "Washington" on or about, I believe it is, July 14, 1938?

A. The chief mate gave me my discharge.

Q. The captain was there, wasn't he?

A. No, sir.

Q. Who was there?

A. I was paid off, and at 4:00 o'clock or 3:30 that evening chief mate Johanson called me to his room and paid me for that day's pay and gave me my discharge.

Q. Well, the captain signed the discharge?

A. Yes, sir.

Q. Didn't he sign it in your presence? [819]

A. No, sir.

(Testimony of Clarence Buckless.)

Q. Did the chief mate Johanson have it there at the time?      A. He did.

Q. You mean it was already signed?

A. It was already for me.

Q. You signed it in the chief mate's presence?

A. Yes, sir.

Q. Was anybody present at that time?

A. No, sir.

Q. Just you two?      A. Just we two.

Q. I believe you testified regarding Mr. Rosen, that on occasions you looked to see whether he was working, is that correct?

A. Looked to see how he was getting along.

Q. I mean on occasions when he didn't know you were watching?

A. To see how he was getting along with his work.

Q. I mean there were occasions when he didn't know you were watching?

A. Yes, there was one I mentioned, I believe.

Q. Did you do that because you thought he might not be working?      A. No, sir.

Q. Were you here while Mr. Rosen testified?

A. Some of the time I was, and some of the time I was not. [820]

Q. Did you hear him testify that there were occasions when he had meetings of the crew, union meetings, when he should have been on duty?

Mr. Wright: Mr. Examiner, I submit that the testimony does not reflect that.

(Testimony of Clarence Buckless.)

Q. (By Mr. Van Dusen) On special occasions.

Mr. Wright: I submit that he has not made that statement.

Mr. Van Dusen: Do you want me to find it for you?

Trial Examiner Myers: The question is whether he heard this man so testify.

A. I never did.

Q. (By Mr. Van Dusen) You did not?

A. No, sir.

Q. You were out then?

A. I must have been, because I never heard it.

Q. Let me ask you if you ever attended any meetings, whether on special occasions or otherwise, when you should have been on duty?

A. Never.

Q. Not even for a short period of time?

A. Never.

Q. Were you at all the meetings Mr. Rosen attended? A. I believe so.

Q. I believe Mr. Rosen—you were not always on the same [821] shift that he was?

A. No. He was off in the afternoon.

Q. So far as you are concerned, you never attended any meetings during working hours?

A. Never did.

Trial Examiner Myers: Now just to clear up something in my own mind, the A. B. was on an 8:00 to 12:00 shift in the morning, and naturally would be on the 8:00 to 12:00 at night. Now is

(Testimony of Clarence Buckless.)

there always something for those fellows to be doing during the day while they are sailing along?

A. The time off you mean?

Q. No, the time on.           A. Yes, sir.

Q. There is always something to do?

A. Yes, sir. At night they stand watches. In the day time they work on duty. [822]

Q. All right, we will take the men from 8:00 to 12:00. Is there always something to keep those fellows busy; do they always work, or stand around and smoke?

A. From 10:00 to 10:20 they have a recess, like coffee time, and they stop and smoke, and have coffee; and the same in the afternoon.

Q. What do they do?

A. Clean ship and paint.

Q. And they do that over again and again, clean and paint?           A. Yes, sir.

Q. Just to keep them busy and keep them out of mischief?

A. There is a whole lot of work to do. They really have not got enough men on a ship.

Trial Examiner Myers: Next question.

Q. (By Mr. Van Dusen) This man, Linville, I believe you testified that he was fired at the end of the second trip on the "Nevada"?

A. The second trip that he was on.

Q. Why was he fired?

A. At Port Arthur, Texas.



(Testimony of Clarence Buckless.)

Q. Why? A. I really wouldn't know.

Q. You don't know? A. No, sir.

Q. Is he competent? Was he an A. B.? [823]

A. No, he was an ordinary.

Q. Is he competent, in your opinion?

A. Well, at some things. He was not an extra good man.

Q. He was a union man, wasn't he?

A. Yes, sir.

Q. Was he more competent than Dalton?

A. Yes, I will say he was much more.

Q. What was your rate of pay on the SS "Nevada"?

A. When I became boatswain it was \$100.00 a month, plus overtime, board and room.

Q. Plus overtime, board and room?

A. Yes, sir.

Q. Plus overtime? A. Yes, sir.

Q. And plus board and room?

A. Yes, sir. That was after the raise in pay.

Q. Let's get it straight now? A. Yes.

Q. On this particular trip, let's take a look at these shipping articles again. On this particular trip——

A. Yes, \$100.00 per month.

Q. Did that rate apply to the trip to Spain too?

A. No.

Q. When did that start?

A. The same company that was running coast-wise were getting that here, were already getting it while we were in Spain, [824] coming back.

(Testimony of Clarence Buckless.)

Q. Did you get it at the start of that Spanish trip?

A. No, we didn't get it at all until——

Q. What were you getting when you went to Spain?      A. \$90.00, plus overtime.

Q. Plus room and board?      A. Yes, sir.

Q. When your wages increased \$100.00?

A. During that trip to Spain.

Q. During the trip to Spain?

A. That is when they were increased, but I didn't get mine.

Q. From what date did you get yours?

A. I forget just whether it was April 1st or March. I really couldn't tell you.

Q. April or March possibly?

A. I think so, something like that.

Q. And up to that time you had been getting \$90.00?

A. Up to that time I had been getting \$90.00, yes, sir.

Q. Now, on your last trip on the "Washington" what was your rate?      A. \$87.50.

Q. Were you boatswain on the boat?

A. Quartermaster.

Q. \$87.50, without overtime?

A. Including overtime, board and room. [825]

Q. Now, I believe you testified that you saw Mr. Rosen writing in the crew's quarters in his notebook, that is correct, isn't it?      A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. And during—this is the “Washington”?

A. Yes, sir.

Q. You didn’t see him writing in his notebook on the “Nevada”?

A. No, sir.

Q. And you discussed union matters and activities with him all during that trip did you not?

A. Yes, sir.

Q. Since you both left the “Washington” you have also discussed your complaints with each other?

A. Very little.

Q. Compared notes?

A. No, sir.

Q. Didn’t you tell him what you thought happened, as far as you were concerned?

A. Not since we have been ashore. After we filed our complaints I spoke to the man very little.

Q. On those few occasions you told him in general about your case?

A. We filed our complaints. We both together, and talked back and forth or to each other. [826]

Q. You told him what you were going to testify to?

A. I did not.

Q. Did he ask you what you were going to testify to regarding him?

A. No, sir.

Q. He didn’t ask you what you were going to testify to regarding him?

A. No, sir.

Q. Did you ask him what he would testify to regarding you?

A. No, sir.

Q. Not at all, not even in a general way?

A. Not a word was said.

(Testimony of Clarence Buckless.)

Q. Did you see him very often?

A. Perhaps twice a week.

Q. Over at the N. M. U. Hall?

A. Mostly.

Q. Do you see him outside of the hall?

A. No, I never have.

Q. How about Mr. Zinkiewicz, did you discuss with him this case?      A. No, I never did.

Q. Did you see much of him?

A. No. He left town I believe for a while.

Q. Is he on a ship now?

A. I believe he is. [827]

Q. Do you know what ship?

A. No, sir.

Q. Did you compare notes with him?

A. No, sir.

Q. Now, Mr. Buckless, do you recall how you first got a job on the SS "Virginia"?

A. No, I don't just remember.

Q. Did you go down to The Texas Company's office?

A. I believe she was running at that time chartered by the Standard Oil.

Q. Oh, I see. Then The Texas Company didn't own that ship at that time?

A. Yes, sir, The Texas Company owns the ship.

Q. And they chartered it to the Standard Oil?

A. That trip, I believe.

Q. Was that the Standard of New York?

(Testimony of Clarence Buckless.)

A. Standard of New York. I am not sure about that.

Q. You think so?

A. She was there at dock. I remember where I got on her. I joined her at Providence, Rhode Island, at the Standard Oil docks.

Q. Let me ask you this, who paid your wages?

A. The Texas Company.

Q. The Texas Company paid your wages?

A. Yes, sir. [828]

Q. You got a Texas Company check?

A. No, they paid me in cash.

Q. Who paid you, the captain of the vessel?

A. The captain, yes, sir.

Q. Well, now if it was chartered to the Standard of New York would The Texas Company pay your wages?

A. If the Standard of New York chartered the ship to carry a load of kerosene, gasoline, or whatever it may have been The Texas Company would pay me. [829]

Q. They would pay you?

A. They just hired the ship to carry that cargo.

Q. Then to the best of your knowledge The Texas Company paid you?

A. Yes, sir, they did.

Q. And to the best of your knowledge, you think you were hired by The Texas Company?

A. Yes, sir.



(Testimony of Clarence Buckless.)

Q. But you don't recall how you happened to be hired?

A. Well, I was there; that is, I found out they wanted a man some way. I was there——

Q. Through the Seamen's Institute?

A. No, off the dock.

Q. It was in existence then, wasn't it, the Seamen's Institute?      A. Not in Providence.

Q. Oh, this was Providence. I thought it was Port Arthur. Now the SS "Shenandoah", where did you sign articles on that ship?

A. Baltimore, Maryland.

Q. How did you get the job on the ship?

A. Through the Standard Oil of New York.

Q. That is what you meant this morning when you said they were called by The Texas Company?

A. They have a man shipping for them at Baltimore. [830]

Q. In Baltimore?      A. Yes, sir.

Q. And he sent you over to The Texas Company?      A. He did.

Q. I see. Now after leaving the "Shenandoah" and going on these other ships for a while, you then signed articles on the SS "Washington" about the end of February, 1937, didn't you, approximately?

A. Yes, sir, approximately.

Q. How did you get on that ship?

A. I got that job here in Port Arthur.

Q. Through what source?

(Testimony of Clarence Buckless.)

A. Through the Institute.

Q. Through the Seamen's Institute?

A. Yes, sir.

Q. Did you register over there?

A. Yes, sir.

Q. Did you register on what they call the open list, or on the Texas list?

A. Texas list.

Q. Not on both lists? A. No, sir.

Q. Did you also register at N. M. U. Hall?

A. Not at that time, no, sir.

Q. You did not? [831] A. No, sir.

Q. Weren't you then a new member, in the early part of 1937? A. Yes, sir.

Q. But you did not register there at the N. M. U. Hall?

A. I was not a Union member at that time.

Q. You were not?

A. No, not at that time.

Q. Now, the SS "Ayrian", how did you get on that boat? A. Through the Institute.

Q. Were you a Union member at that time?

A. Yes, sir.

Q. Did you register at the Union Hall at that time? A. No, sir.

Q. Why not?

A. Well as a matter of fact I just wanted to go on the Texas boat at that time.

Q. There were not many men on the beach then, were there? A. No.

(Testimony of Clarence Buckless.)

Q. It was pretty easy to get on any ship you wanted, wasn't it? A. Yes, sir.

Q. Now after you left the "Ayrian" you then signed articles aboard the SS "Nevada", after you left the "Ayrian"? A. Yes, sir. [832]

Q. Why did you shift from the "Ayrian" to the "Nevada"? A. I was fired off the "Ayrian".

Q. Then did you register? A. Yes, sir.

Q. Did you register for a new employment?

A. Yes, sir.

Q. Over at the Seamen's Institute?

A. Yes, sir.

Q. Did you register at the N. M. U. then?

A. Yes, sir.

Q. They must have put you on top of the list, because you got a job within about three days?

A. Four days.

Q. Was the list very small?

A. I don't know. I was picked up on the street.

Q. One of The Texas men? A. Yes, sir.

Q. Then you didn't get it through the Institute?

A. No. I registered there, but I didn't get the job through the Institute. The "Nevada" was over at Galveston, laying at anchor, and they wanted a man right away, and they asked me to take it.

Q. Now, after you left the "Nevada", April 18, 1938, didn't you try to get any employment on other ships? A. Yes, sir. [833]

Q. What did you do?

(Testimony of Clarence Buckless.)

A. Well, I registered at the Institute.

Q. Register at the N. M. U. Hall?

A. No, sir.

Q. You did not? A. No, sir.

Q. Now at that time weren't there a good many men on the beach?

A. Yes. My intentions at that time were to go to Beaumont and register.

Q. Did you go to Beaumont?

A. No, I didn't go up.

Q. Why?

A. Well, I got credit here for board and room, and I didn't think I could get——

Q. Got what? A. Credit.

Q. For what?

A. Board and room. As long as I got that I figured I might as well stay here.

Q. I don't understand.

A. I was trusted for board and room.

Q. By people here in Port Arthur?

A. Yes, sir.

Q. But you didn't register at the N. M. U. Hall?

[834]

A. No, sir.

Q. Now how long was it before you got a job on any other Texas ship after registering at the Seamen's Institute and leaving the SS "Nevada" on April 18? A. About seven weeks.

Q. You were on the Texas list over there?

(Testimony of Clarence Buckless.)

A. Yes, sir.

Q. Not on the open list?

A. No, sir. I was not allowed on both of them.

Q. You have to be on either one or the other?

A. Yes, sir.

Q. That is one of the rules of the Institute?

A. Yes, sir.

Q. Now why didn't you register at the N. M. U. Hall?

Mr. Wright: Mr. Examiner, I would like to object to the immateriality and irrelevancy of that question.

Mr. Van Dusen: Mr. Examiner, there is a period of six weeks in there after his discharge from the SS "Nevada," and I assume this man is going to claim wages for that period of time. I am entitled to find out what effort he made.

Trial Examiner Myers: Do you contend it is obligatory upon a discharged employee to get a job?  
A. Certainly I do.

Trial Examiner Myers: In order to mitigate damages, if any? [835]

Mr. Van Dusen: I do. Otherwise he could sit back for two years, and then file a complaint.

Trial Examiner Myers: I will allow you to go into it in a limited way. I ruled it out.

Mr. Van Dusen: You have allowed me to do it with Rosen and Blasingame.



(Testimony of Clarence Buckless.)

Trial Examiner Myers: I will allow it in a limited way.

Mr. Van Dusen: I am going to ask all these questions, and if I am overruled that is all right, but I want to preserve it for the record.

Trial Examiner Myers: I told you I would allow it in a limited way.

Mr. Van Dusen: I may not want it limited.

Trial Examiner Myers: Go ahead.

A. Could I say a word?

Q. (By Mr. Van Dusen) Oh, yes.

A. I registered in the N. M. U. Hall after I left the "Nevada," but not since I left the "Washington."

Q. All right. That is what I am asking.

A. And that is all right. Maybe I am mistaken. I did register in the N. M. U. Hall when I left the "Nevada." I registered in the Institute, and I went up to the Sabine Towing, and I couldn't get a job because I didn't have a Copeland book. And I went up to the Pure Oil, and they [836] wouldn't take me because I didn't have a Copeland book. I did everything I could to get a job. [837]

Q. Well, that is what I was trying to find out.

A. Yes.

Q. Now, you say you did register at the N. M. U.?

A. Yes, sir.

Q. Immediately after leaving The Texas ship, SS "Nevada"?

A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. Did you immediately register with the Seamen's Church Institute?      A. Yes, sir.

Q. Why didn't you register on the open list at the Seamen's Church Institute?

A. Because they were not shipping any men off of it; too many men on the beach.

Q. Do you know what companies get their men from the open list?

A. Very few, that I can understand. I don't know the whole thing of it. I have heard different things. I don't know what companies.

Q. You said you were discharged from the "Nevada" for union activities, did you not?

A. Yes, sir.

Q. You didn't have much hope of getting a job on The Texas Company if you were discharged for union activities, did you?

A. I don't see why not. [838]

Q. And you thought they would hire you on?

A. That would be a discrimination right there if they didn't.

Q. Then you thought The Texas Company was perfectly willing to hire you, is that it?

A. Yes.

Q. Now, are there any companies who don't get their seamen from the N. M. U. Hall?

A. Yes.

Q. Or at sometime. I will limit it to that time.

A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. Can you name some of those companies?

A. Right here in Port Arthur, there is Sabine Towing, Pure Oil, Texas. Those are about all I can think of right offhand. Cities Service.

Q. How about Atlantic?           A. Atlantic.

Q. Sun?           A. And Sun.

Q. Did you call up the Sabine Towing?

A. Yes, sir. I went over there personally.

Q. Did you seek employment from the Pure Oil?           A. Yes, sir.

Q. Did you seek employment from the Cities Service?           A. No, sir.

Q. From the Sun? [839]           A. No, sir.

Q. From the Atlantic?           A. No, sir.

Q. Why not?

A. Well, they were a little out of the way. I would have to go up to Nieland.

Q. Where is that?

A. That is half-way between here and Beaumont. If I wanted to ship out with them, I would have to have a record and discharges from the Sun Oil, that I had sailed with them, or I would not be able to get a job.

Q. You mean they discriminate?

A. So I have understood. I have tried to get a job before, and they asked me if I ever sailed with them, and I said no, and they said they just couldn't use me.

Q. How about the Atlantic?

(Testimony of Clarence Buckless.)

A. I never sailed with the Atlantic.

Q. Why didn't you call the Atlantic?

A. Well, I didn't know just where they were or nothing about them.

Q. Couldn't you inquire?

A. I perhaps could have.

Q. You didn't though? A. No.

Q. And Cities Service? [840] A. No, sir.

Q. You didn't call them? A. No, sir.

Q. Why not? A. Well——

Q. What?

A. I was intending in shipping out right away, in a few weeks, with The Texas Company, and I didn't want to go ahead and get a whole lot of companies calling me up, expecting me to work for them, and not be there for them.

Q. That is your reason? A. Yes, sir.

Q. There were a lot of men on the beach, weren't there?

A. There were quite a few.

Q. And you were out of work?

A. Yes, sir.

Q. Now, don't you think you should have at least tried to get a job from the Atlantic and Cities Service?

A. Well, I have three or four companies in view, and I thought I could get a job out of one of those.

Q. If you were out of work a few weeks, it didn't matter much, did it? A. No.

(Testimony of Clarence Buckless.)

Q. So that you just registered and let the matter rest?  
A. Yes, sir. [841]

Q. You made no real strenuous effort to get on?

A. Oh, if I ran out of money and got hungry, I guess I would have.

Q. You had enough money to carry you on?

A. Yes, sir, at that time I did.

Q. You didn't try to get any employment on land, did you?  
A. No, sir.

Q. Now, who told you that you were hired on the SS "Washington"?  
A. Who told me?

Q. Who told you they were willing to take you on the SS "Washington" after you had registered?

A. They called me up at my house.

Q. Who?

A. Dave, down at the Institute.

Q. What did he say?

A. He said: "Do you want a quartermaster's job on the "Washington?" And I said: "Yes, sir."

Q. Did he tell you where to go?

A. He said: "Come down here and I will give you a slip to get through the gate."

Q. Did he ask you if you were an N. M. U. man?

A. No, sir.

Q. Were you ever asked by Dave or anybody at the Institute whether you were an N. M. U. man?

[842]

A. No, sir.



(Testimony of Clarence Buckless.)

Q. So far as you know, they didn't know, is that right?      A. No.

Q. What?      A. No.

Q. And do you know whether they knew?

A. No, I don't know.

Q. You don't know whether they knew or not?

A. No, I don't.

Q. You didn't tell them, anyway?

A. I did not.

Q. Now, when you went aboard the SS "Washington", did the captain or any of the officers ask you if you were an N. M. U. man?

A. No, sir. The second mate shook hands with me and was glad to see me back there.

Q. Had he known you before?

A. I was on there before.

Q. That is right?

A. And so the crew welcomed me back.

Trial Examiner Myers: That was Dilbert?

A. That is the same trip he was on.

Q. (By Mr. Van Dusen) They didn't act as though they were discriminating against you, did they?

A. No. They were glad to see me back. [843]

Q. They were glad to have you?

A. Yes, sir.

Q. They didn't not in any way indicate that you were the last man they wanted on the boat, did they?      A. No, not at that time.

(Testimony of Clarence Buckless.)

Q. That is the time I am talking about, when you went on. A. No, sir.

Trial Examiner Myers: Did you conduct any union activities on the "Washington"?

A. Never before that, no, sir.

Q. (By Mr. Van Dusen) You had on the "Nevada" though?

A. On the "Nevada", yes, sir.

Q. Now, Mr. Buckless, you left the SS "Washington"— [844]

—withdraw that. After you left the SS "Washington" on or about July 14, 1938, what did you do to obtain employment?

A. Registered at the Institute.

Q. Yes. N. M. U. Hall? A. No, sir.

Q. Didn't register there? A. No, sir.

Q. Why not. A. For no reason.

Q. What? A. For no reason at all.

Q. Wasn't it hard to get a job at that time?

A. Well, I didn't think it would be as hard as it has been.

Q. You have not yet registered over at the N. M. U., have you? A. No.

Q. You have been out now a couple of months, haven't you?

A. Yes. I would not have been if men had not been shipped out over my head.

Q. But you told me you didn't register at the N. M. U. Mall?

(Testimony of Clarence Buckless.)

A. I said at the Institute.

Q. Let me understand you. I understood you to say that when you left the "Washington" you registered at the Institute?      A. Yes, sir.

Q. Then I asked you whether you registered at the N. M. U. [845] Hall, and you said——

A. No. I said "no".

Q. And you have not registered at the N. M. U. Hall since?      A. No.

Q. Therefore you are not on the N. M. U. list, are you?      A. No.

Q. So that you cannot possibly get a job through the N. M. U. Hall?      A. No.

Q. Is that "no", or "yes"?      A. No.

Q. You cannot get a job——      A. No.

Q. If you are not registered on the N. M. U. list you cannot get a job through the N. M. U. Hall?

A. No.

Q. Then you cannot get a job through the N. M. U. Hall?      A. No.

Q. Then you cannot get a job through the N. M. U. Hall right now, can you?

A. No.

Mr. Van Dusen: Mr. Examiner, will you please ask that question.

Mr. Wright: He has answered.

Q. (By Mr. Van Dusen) Can you get a job right now through [846] the N. M. U. Hall?

A. No. If I was registered I could.

(Testimony of Clarence Buckless.)

Q. But you are not registered?

A. I am not registered. I cannot.

Q. Why didn't you register?

A. I have no reason.

Q. You have no reason?

A. I have no reason.

Q. Haven't you needed employment since July 14, 1938?      A. Perhaps.

Q. I mean have you or have you not? You know. You are the best judge.

A. Yes. That is personal, that I would rather not answer. That is my own affair.

Q. I don't want to know anything about your affairs?

A. It is my money. It is personal. If you are going to ask me, I have got to tell all the boys, I guess.

Q. When you left the SS "Nevada" you registered in the N. M. U. Hall, didn't you.

A. Yes, sir.

Q. Why didn't you do it when you left the SS "Washington"?      A. For no reason at all.

Q. Now, if you had registered you might have gotten a job through the N. M. U. Hall, isn't that correct?      A. I might have. [847]

Q. Isn't it a fact that there are a number of companies getting seamen through the N. M. U. Hall?      A. I believe so.

Q. Can you name some of those companies?

(Testimony of Clarence Buckless.)

A. Yes, I think so.

Q. Please name some? A. Gulf.

Q. Yes.

A. Tidewater, C. D. Mallory, Standard Oil.

Q. Yes. A. Lykes Bros.

Q. Lykes Bros.? A. Yes, sir.

Q. Any others?

A. American West African Line.

Q. Any others?

A. That is about all I can think of right now.

Q. The Gulf sends a lot of ships in here, doesn't it?

A. About the same as The Texas. I don't know as it has as many. They have got quite a few tied up now.

Q. If you take all those companies together, they send in quite a few ships, don't they?

A. They don't run in here.

Q. In the area, Houston; I mean in this vicinity?

A. Yes, in the vicinity, but not right into Port Arthur, not [848] generally. You might get one in here once in a while.

Q. But they get their men through this N. M. U. Hall? A. Yes, if they run in here.

Q. Where do they get their men if they don't?

A. They get them in Beaumont.

Q. Did you register in Beaumont?

A. No, sir.



(Testimony of Clarence Buckless.)

Q. Wouldn't the N. M. U. call you right away and let you know, or get in touch with you?

A. No, sir.

Q. Don't they do that for you? A. No, sir.

Q. If you were on that list up there at Beaumont and had a job they wouldn't let you know?

A. No, not unless I was there to take a job.

Q. I mean if there was a chance for you to get there in time, of course?

A. I suppose if I arranged with the man to call me up, and would give him the twenty cents or thirty cents, whatever it costs for the telephone call. But if I was to do that I might as well wait there.

Q. The N. M. U. would trust you for the twenty or thirty cents, wouldn't they?

A. That is not their policy.

Trial Examiner Myers: What has that got to do with it? [849]

Mr. Van Dusen: All right, if you don't want me to ask him.

A. Houston is done the same way.

Q. (By Mr. Van Dusen) Now, these companies on the N. M. U. list, Gulf, for example, did you call up the Gulf offices and try to get a job?

A. No, sir.

Q. How about the Tidewater? A. No, sir.

Q. C. D. Mallory? A. No, sir.

Q. Standard Oil of New York? A. No, sir.

Q. Lykes Bros.? A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. American West African Line?

A. No, sir.

Q. Did you try to get a job on land?

A. No, sir.

Q. Now, Mr. Buckless, you just wanted to get a job with a Texas ship, didn't you; isn't that a fact?

A. The Sabine Towing is running in here. I would like to get a job with them.

Q. Principally you wanted to get a job on a Texas ship. Isn't that why you registered on The Texas list?

A. Because I figured I could. [850]

Q. Had you asked the Sabine Towing for a job?

A. Yes.

Q. You did?           A. Yes, sir.

Q. Why did you want to get on a Texas ship, and make no effort to get on these other ships?

A. I did make an effort to get on the other ships, but, as I say, they wouldn't take me. [851]

Q. The ships you have mentioned that use the N. M. U. Hall, you would have to register at the N. M. U. Hall to get those?

A. Yes, sir, I would have to register at the N. M. U. Hall to get those.

Q. That is where they get their men?

A. Perhaps I didn't want to go to China or some other place that those ships go.

(Testimony of Clarence Buckless.)

Q. Some of them go coastwise, don't they?

A. Perhaps so.

Q. Of course when you were called you didn't have to take a job?

A. No, I could wait until the next one if I could afford it.

Q. Is that what you proposed to do?

A. No.

Q. Just going to wait until this case is over?

Mr. Wright: Mr. Examiner, I object to that question.

Trial Examiner Myers: Objection sustained.

Q. (By Mr. Van Dusen) Now the real reason, Mr. Buckless, is it not, is that you wanted to organize the Texas ships?

A. Is that Port Arthur is my home port now, and I would like to ship through The Texas Company, as they run in and out of here. That is my main reason.

Q. You know as well as I do that the Gulf ships come into Port Arthur. [852]

A. I don't like to sail on the Gulf.

Q. Isn't the real reason that you want to organize the Texas ships, isn't that the real reason?

A. No, sir.

Q. Is the real reason that you want to get as much money as you can out of the Texas Company as the result of this case?

Mr. Wright: I object to that.

(Testimony of Clarence Buckless.)

Trial Examiner Myers: Objection sustained.

Mr. Van Dusen: Exception.

A. No, sir.

Trial Examiner Myers: You don't have to answer. Strike out that answer.

Mr. Van Dusen: He may want it to go in. May I have just a minute?

Trial Examiner Myers: Suppose we take a five minute recess.

(Short recess.)

Q. (By Mr. Van Dusen) Mr. Buckless, I think in your testimony you stated that on the Texas ships you got more nights off than on most other ships, while on the other ships you had the same watch?

A. What I meant was the Gulf. I meant they had nights off that the Gulf didn't, and there were practically only two ships coming in and out of here that I might have been able to ship on. [853]

Q. That is one reason The Texas Company doesn't give overtime, that they give nights off, isn't that correct?

A. Well, it is their agreement. I don't know just why they are doing it now.

Q. The Texas Company has no agreement with the union? A. No.

Q. So far as you know? A. No.

Q. Well, isn't it a fact that many seamen prefer nights off to the small overtime they get?

(Testimony of Clarence Buckless.)

A. I believe so, a lot of them. I would.

Q. Now thinking over your testimony, do you recall having been discharged by any other company in addition to those you have named in this court room?

A. Not that I can name right now.

Trial Examiner Myers: When you say discharged, you mean fired?

Mr. Van Dusen: I mean fired.

A. Fired. Yes, I took it that way.

Q. Have you ever been arrested?

A. No, sir.

Q. Never been arrested for being drunk and disorderly?

A. No, sir.

Mr. Van Dusen: I believe that is all.

Trial Examiner Myers: Any redirect? [854]

Mr. Martin: Yes, Mr. Examiner.

### Redirect Examination

Q. (By Mr. Martin) Mr. Buckless, after you were fired from the "Nevada" and the "Washington" did any officer of The Texas Company, Marine Division, offer to help you get a job?

A. No, sir.

Q. Did any officer of The Texas Company, Marine Division, tell you they would help you get a job in any other company?

A. No, sir.

Q. Did the fact ever come to your attention that any official of the Texas Company, Marine Division was making any effort to secure you a job?



(Testimony of Clarence Buckless.)

A. No, sir.

Q. Are your answers to the previous questions the same with respect to the fact that you were fired from the "Washington"? A. Yes, sir.

Q. Mr. Buckless, while you are living in Port Arthur could you register to ship out of New York City? A. Yes, sir.

Q. Could you register to ship out of Philadelphia? A. Yes, sir.

Q. Could you register to ship out of Los Angeles? A. Yes, sir.

Q. But you didn't? A. No, sir. [855]

Q. Now when you boarded the "Washington" in 1938 was your reception such as would have been given a habitual drunkard? A. No, sir.

Q. Mr. Buckless, is it one of your desires, as a member of the National Maritime Union, to assist that union in its efforts to organize the ships of The Texas Company, Marine Division?

A. Yes, sir.

Q. What was your salary when you were fired from the "Ayrian"?

A. \$80.00 I believe, \$80.00 a month, I believe the boys were getting.

Q. Plus board and room?

A. Plus board and room.

Q. And overtime? A. No overtime.

Q. Did you testify that the captain met you on

(Testimony of Clarence Buckless.)

the dock at Port Arthur at the beginning of your last trip on the "Nevada"?       A. Yes, sir.

Q. About what time of day was that?

A. 12:30, on or about 12:30.

Q. Can you remember when you signed the shipping articles for that last trip on the "Nevada"?

A. I really couldn't tell you right to the time.

[856]

Q. Was it after 12:30 or before?

A. It was that evening, I believe.

Q. That evening?       A. I believe so.

Q. Are you quite sure?

A. I am not positive, no, sir.

Q. Are you sure it was after this incident with the captain?

A. I am not positive whether it was before or after.

Q. Do you remember what you were doing just before you were called to sign the shipping articles?

A. No, sir.

Q. When you signed the shipping articles that trip did the captain ask you if you had brought that beer aboard?

A. No, sir, he never asked me.

Q. Did the mate ever ask you?       A. No, sir.

Q. Did you testify on cross examination that you had brought some complaints to the attention of the officers of any ships except Texas ships?

A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. Do you remember what ship or ships?

A. Yes, sir, the SS "Broad Arrow".

Q. The SS "Broad Arrow"? A. Yes, sir.

Q. Did you bring complaints on the "Broad Arrow" on your own [857] behalf or on behalf of the crew as well as yourself?

A. On behalf of the crew.

Q. Did you so inform the officers of the "Broad Arrow"? A. Yes, sir.

Q. Were you fired from the "Broad Arrow"?

A. No, sir.

Q. Did you bring complaints or grievances to the attention of the officers of any ships other than the "Broad Arrow" and The Texas Company ships? A. No, sir.

Q. Did you testify that you were a delegate on the "Broad Arrow"? A. Yes, sir.

Q. Did you say, "Yes, sir"? A. Yes, sir.

Q. Have you ever been a delegate on any boat other than the Texas Company ships, except the "Broad Arrow"? A. That is all.

Q. Did you testify that you were a delegate on The Texas Company ships "Nevada" and "Washington" at the time you were fired from them? A. I was delegate——

Q. Strike that. Did you testify that you were active in union activities upon the "Ayrian" when you were fired from it? [858] A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. And you were fired from it? A. Yes, sir.

Q. Did you testify that you were a delegate on the Texas ship "Nevada" and brought a number of complaints and grievances to the officers of the ship while you were on board it? A. Yes, sir.

Q. And were you fired from the "Nevada"?

A. Yes, sir.

Q. Did you testify——

Mr. Pipkin: Mr. Examiner, all this seems to be cumulative and repetitious. We object to it on that ground.

Trial Examiner Myers: What is the purpose of this testimony, Mr. Martin?

Mr. Martin: I want to clear the record and have it all in one place. One more question.

Trial Examiner Myers: All right, I will allow one more question.

Q. (By Mr. Martin) Did you testify, Mr. Buckless, that while you were on the Texas boat "Washington" in 1938 you were active in union activities?

A. Yes, sir.

Q. And were you fired from the "Washington"?

A. Yes, sir. [859]

Q. (By Mr. Martin) Did you testify that on the "Broad Arrow" you were granted most of your requests? A. All of them.

Q. And were you fired? A. No, sir.

Q. Did you testify that on The Texas Company

(Testimony of Clarence Buckless.)

ships you were granted some of your requests and refused some of your requests?      A. Yes, sir.

Q. And were your fired?      A. Yes, sir.

Q. Mr. Buckless, has a sailor the right to change his mind as to what line or what ship he wishes to sail on at any given time?

Mr. Pipkin: Just a minute.

A. He has.

Trial Examiner Myers: Is there an objection?

Mr. Pipkin: He had already answered before I *could up*. Let it go.

Q. (By Mr. Martin) Did you testify that you would like to go back to work on either the "Nevada" or the "Washington"?      A. Yes, sir.

Q. Did you specify a choice between those two?

A. Well, I quit the "Nevada" first. That was the ship I [860] thought I would like to go back on.

Q. You would like to go back on that ship of those two?      A. Yes.

Q. Would you care to go back on any other Texas Company ships?      A. Yes, sir.

Q. But of all Texas Company ships, which one would you prefer?

A. I would prefer the "Nevada."

Q. Did you testify on cross examination that while you were talking with this ordinary seaman, Dalton, there were some other things said than you related on direct examination?

A. Yes.



(Testimony of Clarence Buckless.)

Q. Do you remember what was said?

A. Yes.

Q. Please relate it if you can.

Mr. Pipkin: Mr. Examiner, this is repetitious. We object to it.

Trial Examiner Myers: As I remember, Mr. Van Dusen asked the witness a question and the witness wanted permission to elaborate and Mr. Van Dusen didn't want him to elaborate and I asked Mr. Wright to make a note of it and told him that he could bring it out on redirect examination.

A. This was—as I talked to this boy, I told him this was a Union ship and we were a hundred per cent N. M. U. [861] on there at the time and we would like to stay that way and I asked him if he would go up to the Union Hall and get a Union book. He had time then to go up and get it and come back to the ship; that I would give him a slip stating that he could get that. I was telling him that when the mate rushed him right off and told him to change his clothes and come out on deck.

Q. (By Mr. Martin) Did you ask him if he had ever been on a boat before?      A. Yes, sir.

Q. What did he say?

A. He said no he hadn't.

Q. Did you ask him how he got the job?

(Testimony of Clarence Buckless.)

A. I believe I did.

Q. Do you remember what he said?

A. Yes. He said he got the job through some engineer in the company; an engineer on one of the company ships, a friend of his had got him the job.

Q. Did he say through whom?

A. No, he didn't say. I asked him how he got the job and he said an engineer on one of the ships. I didn't ask him the ship or the man's name or anything.

Q. Did you ask him how he got his Fink book or his Copeland book?

A. I believe this man helped him out on that too. He said [862] he signed papers for him to that effect to get him this book.

Q. Despite the fact that he hadn't been to sea for six months according to the rules?

A. Yes, sir.

Mr. Pipkin: I move that all this line of testimony be stricken because he has not identified the engineer in the first place. He doesn't know who he was. No officer or agent of the company was around when any of this took place. It has come from somewhere since yesterday, because he gave no such testimony yesterday. I move that it be stricken.

Trial Examiner Myers: Well, some of it was brought out on cross examination. Perhaps you were not here.

(Testimony of Clarence Buckless.)

Mr. Pipkin: I was here when this inquiry was gone into. I move that it be stricken for the grounds named.

Mr. Van Dusen: And furthermore, that I think Mr. Martin is testifying. His statement, "Despite the fact that \* \* \*," if you will read that you will see it is a statement to which Mr. Buckless said "Yes." That is testimony.

Trial Examiner Myers: Will you read Mr. Van Dusen's argument. I am sorry I couldn't hear it.

(The objection was read.)

Mr. Van Dusen: It was not in the form of a question.

Trial Examiner Myers: Do you object to the form of the question? [863]

Mr. Van Dusen: I say it was not in the form of a question. He said "Despite the fact that \* \* \*"

Mr. Wright: The testimony is that——

Trial Examiner Myers: Will you read the question?

(The last question and answer were read.)

Mr. Van Dusen: You see there is a statement calling for an answer. I would like to have a ruling. I don't think on redirect examination you can testify or lead a witness.

Trial Examiner Myers: I beg your pardon?

Mr. Van Dusen: I don't think on redirect examination you can testify for or lead a witness.

(Testimony of Clarence Buckless.)

Trial Examiner Myers: Of course not. Of course not. You didn't make that objection before.

Now please don't lead any more, will you, Mr. Martin? Let's get on with this.

Mr. Van Dusen: May I have a ruling on my motion to strike.

Trial Examiner Myers: Did you make a motion to strike?

Mr. Van Dusen: I thought I did. Well, I move now to strike that question and answer.

Trial Examiner Myers: Well, it is all in. We will leave it in, but please don't lead any more.

Q. (By Mr. Martin) Was it a custom for The Texas Company to ship ordinary seamen this way?

[864]

Mr. Pipkin: That is another leading question, Mr. Examiner.

Trial Examiner Myers: Sustained.

Q. (By Mr. Martin) Do you know who lays down the rules concerning the qualifications of an ordinary seamen?

A. The steamboat inspectors, I believe.

Q. The steamboat inspectors? A. Yes, sir.

Q. Do you know whom they worked for?

A. The Government, I believe.

Q. The Federal Government? A. Yes, sir.

Q. Do you know what branch of the Federal Government?

A. Not exactly. I do know too in a way.

(Testimony of Clarence Buckless.)

Q. Mr. Buckless, did any of the mates or the captain direct or order you to instruct this new ordinary, Dalton, in seamanship? A. No, sir.

Q. They didn't?

A. They told me to help him, but not to—I don't know how you could—

Q. Was it to help him?

A. To help him. I guess you could bring that in there too.

Q. Told you to help him? A. Yes, sir.

[865]

Q. But they didn't tell you to instruct him in seamanship? A. No, sir.

Q. Mr. Buckless, did you testify that you tried to instruct this ordinary seaman, Dalton, in the proper methods of tying a certain knot?

A. Yes, sir.

Q. Do you remember what knot that was?

A. A square knot.

Q. Did you testify that you returned an hour after you first instructed him and found him still working on the problem. A. Yes, sir. [866]

Mr. Pipkin: Mr. Examiner, isn't there any end to this?

Mr. Van Dusen: He has got it in there three times already.

Mr. Pipkin: All the direct testimony now has been put back in the record again by the attorney for the government.

Trial Examiner Meyers: I thought you said you were only going to ask one question.



(Testimony of Clarence Buckless.)

Q. (By Mr. Martin) Would you characterize this effort of yours to teach this ordinary seaman how to tie a square knot as an attempt to instruct him in seamanship?

Mr. Van Dusen: Just a minute. Isn't that asking for a conclusion?

Trial Examiner Myers: Well, the form is a little awkward. I will allow it.

A. I would like to have that read over, please. (The last question was read.)

A. There is one word there that I don't quite understand.

Trial Examiner Myers: Well, when you asked this fellow to make a square knot and he didn't know how to do it, then you showed him how to do it, didn't you? A. Yes, sir.

Q. And then you wanted him to learn it by practicing it? A. Yes, sir.

Q. Was that your idea of teaching him seamanship? A. That was my idea, yes. [867]

Q. (By Mr. Martin) Mr. Buckless, is a square knot a hard or an easy knot to tie?

A. Very easy.

Q. Mr. Buckless, do you know who eats at the officers' mess table on Texas Company boats?

A. The three mates, the four engineers, the captain, the radio operator, and the steward and the mess boys amidships, I guess, afterwards.

Q. How about the chief engineer?

A. The chief engineer.

(Testimony of Clarence Buckless.)

Q. Where does he eat?

A. He eats in the officers' mess.

Q. Is that true on the SS "Washington"?

A. I believe it is.

Q. Have you any reason to believe otherwise?

A. No, sir.

Trial Examiner Myers: Was it true while you were working on the SS "Washington"?

A. Sir?

Trial Examiner Myers: Was it true while you were working on the SS "Washington"?

A. As far as I know.

Q. (By Mr. Martin) In that conference or conferences with the captain of the "Washington" when Zehreel and West, either of them or both of them, were present, did they take [868] part in the discussions?

A. No, sir, they was only asked to come along with us as the whole thing was about me.

Q. You mean that is the only time they went?

A. Yes, that is the only time they had anything to do with——

Q. (Interrupting) Just once?

A. Just that once.

Q. On the "Washington"?

A. That is all.

Q. The discussion of overtime?

A. No. The discussion of me going over the side painting and they were quartermasters along with me also.

(Testimony of Clarence Buckless.)

Q. Oh, they were quartermasters?

A. Yes, but I was the one told to go over the side.

Q. Who did the talking?

A. I done the talking after the captain told Gordon Rosen to go back aft; that he wouldn't listen to him and Zinkiewycz. He said he would talk to me.

Q. As an individual? A. As an individual.

Q. Did West and Zehreel leave?

A. No, they stayed there until I got done talking.

Q. Were they introduced to the captain as delegates? A. No, sir.

Q. Did either of them tell the captain they were delegates? [869] A. No, sir.

Q. Did the captain ask them if they were delegates? A. No, sir.

Q. Were they delegates? A. No, sir.

Q. Did Mate Tranberg on the "Nevada" ever tell you that Rosen performed his dufies poorly?

A. Never.

Mr. Pipkin: That is another leading question, Mr. Examiner.

Trial Examiner Myers: Sustained.

Q. (By Mr. Martin) Did Tranberg on the "Nevada" ever comment on Rosen's work in your presence? A. Yes, sir.

Q. He did? A. Yes, sir.

Q. Do you remember a specific instance?

(Testimony of Clarence Buckless.)

A. I remember the first day he came aboard the ship.

Q. Who came aboard? A. Gordon Rosen.

Q. Do you remember anything that was said?

A. Yes, sir, the mate said, "He is a fine man. I am glad to see him back with us. He used to be with me a few years ago."

Q. Tranberg said this? [870]

A. Yes, sir.

Q. What was your job?

A. My job was boatswain.

Q. Did you start to say something else?

A. No, sir.

Q. How did you say you got your job on the "Nevada"?

A. As we were tying up to the dock or tied up to the dock, just finished coming from the first trip from Corpus Christi, the mate called me. He says, "Buckless, do you want the boatswain's job?"

Q. Oh. I was referring rather not to how you got the boatswain's job, but how you got the A. B.'s job before you boarded her.

A. I got the job—on the "Nevada"?

Q. Yes.

A. I got the job through one of The Texas Company men.

Q. Who?

A. I don't know what his name is. I was pointed out to this fellow as an A. B. and he asked me if I wanted a job.

(Testimony of Clarence Buckless.)

Q. Where were you?

A. I was on the corner of Dallas and Fifth Street.

Q. Port Arthur?           A. Yes, sir.

Q. Then what happened? Did this man come over to you?

A. Yes, sir. I asked him what ship it was. [871]  
He said, "The 'Nevada'."

I said, "I turned down the quartermaster's job on there the day before yesterday."

He said, "Well, this is an A. B.'s job."

I said, "I will take that."

He said, "How soon will you be ready?"

I said, "Well, I haven't ate dinner yet."

"Well," he says, "eat dinner. I will be back after you in half an hour."

Q. Do you know that fellow's name?

A. No, I don't.

Q. Did he say who had sent him?

A. Mr. Meyer.

Q. He said that?           A. Yes, sir.

Q. Did you make an appointment to meet him?

A. Yes, sir.

Q. Where did you meet him?

A. I met him right at the corner of Sixth and Dallas.

Q. Port Arthur?           A. Yes, sir.

Q. What did you do after you met him?

A. I got in the machine and headed for Galveston.



(Testimony of Clarence Buckless.)

Q. Whose machine?

A. A Texas Company machine, I believe. There was a Texas [873] star on the side, the regular Texas oil sign on the door, and I took it as a Texas Company machine.

Q. Who drove the machine?

A. I don't know.

Q. Mr. X?           A. Who?

Trial Examiner Myers: The same fellow?

A. The same fellow, yes, sir.

Q. (By Mr. Martin) The same fellow?

A. Yes, sir.

Q. Where did you say you drove to?

A. He took me to Galveston.

Q. Did he tell you he was going to take you to Galveston?           A. Yes, sir.

Trial Examiner Myers: Where were your clothes?

A. I had my clothes right with me.

Q. (By Mr. Martin) When you got to Galveston then what?

A. When I got to Galveston he was a little mixed up. We didn't go clear to Galveston. We stopped at the Bolivar Ferry, I believe it is. He said he was supposed to meet a boat there to take me out to the ship. The ship was lying just a little ways from there. Instead of that he should have taken me around to another ferry that goes across to the drydock. So pretty soon Mr. Buckland, I believe, the port engineer——

(Testimony of Clarence Buckless.)

Q. (Interrupting) What is he? [873]

A. The port engineer.

Q. On what?

Mr. Pipkin: The Port of Galveston.

A. The port engineer to Port Arthur, I believe, isn't he, or Galveston? I don't know.

So he directed this man to take me around to this certain place. We got on a boat that took me out to the "Nevada", a small motor boat.

Q. Then you boarded the "Nevada", did you?

A. Yes, sir.

Q. How much later did the "Nevada" sail?

A. About five minutes.

Q. Five minutes after you got aboard her?

A. Yes, sir.

Q. Did anybody else get aboard with you?

A. Yes.

Q. Who else?

A. There was a mess boy and a quartermaster.

Q. Were they in the car driving over from Port Arthur to Galveston?      A. Yes, sir.

Q. They were?      A. Yes, sir.

Q. While you were driving from Port Arthur to Galveston did you learn where this man had found them? [874]      A. No.

Q. Did you learn from them or anybody else afterwards where he had found them?

A. Yes. One was down at the gate.

Q. Which gate?

(Testimony of Clarence Buckless.)

A. Down at the Texas gate. I learned afterwards that he was down at the gate and that they picked him up down there.

Q. On the dock?

A. Not on the dock, but at the gate leading into the dock at the Texas Oil Company.

Q. Do you remember the mess man's name?

A. No, I don't.

Q. Now how about these other two people?

Mr. Pipkin: Mr. Examiner, I can't see the materiality of this.

Mr. Martin: It is very important on the 8-1 charge.

Trial Examiner Myers: Well now let's let it go for a while.

A. No, I can't think of the man's name; of either one of them.

Q. (By Mr. Martin) You can't think of the names of the other two men?

A. No, I couldn't.

Q. What were their jobs?

A. Well, I said quartermaster, but he was an A. B. I made a [875] mistake there.

Mr. Van Dusen: Mr. Examiner, just for the record I would like to say that I move to strike out this testimony on the ground that it is not within the scope of this particular complaint.

Trial Examiner Myers: Motion denied.

Mr. Van Dusen: Exception.

(Testimony of Clarence Buckless.)

Mr. Martin: Let the record show that this testimony is offered under Section 8, Subsection 1, of the National Labor Relations Act and comes under allegations contained in Paragraph 9 of the complaint in this case. It is offered——

Trial Examiner Myers: I understand your position. Will you ask the next question?

Mr. Martin: Don't you think the record should understand it too?

Trial Examiner Myers: No, no.

Q. (By Mr. Martin) Did you say one of these men, Mr. Buckless? Did you say one of these men?

A. One of these men were an A. B. instead of quartermaster, as I said before he was a quartermaster, that came over from Port Arthur to Galveston, but it was an A. B. and a mess boy and myself.

Q. Now when this man met you on the street corner in Port Arthur did he ask you if were registered at the Seaman's Institute? [876]

A. Yes, sir.

Mr. Pipkin: That is a leading question.

Q. (By Mr. Martin) Did you tell him you were? A. Yes, sir.

Q. You did? A. Yes, sir.

Q. What did he tell you?

A. He asked me if I was on the list.

Q. Did he ask you whether you were on the top of the list? A. No, sir.

Trial Examiner Myers: Did he ask you whether you were on the Texas list or the open list?

(Testimony of Clarence Buckless.)

A. The Texas Company list. We registered with the Texas list.

Q. (By Mr. Martin) Did he ask you whether you were a union member?

A. No, sir.

Q. Did he ask you whether you were registered at the Union Hall? A. No, sir.

Q. Did he say anything about the rotary system?

A. No, sir.

Q. Did he say anything about where The Texas Company hired its men? A. No, sir. [877]

Q. As you were riding from Port Arthur to Galveston——

Mr. Williams: Mr. Examiner, we suggest that the witness not answer quite so fast, because we do want to preserve some exceptions now for the record.

Trial Examiner Myers: Yes. Please don't answer the question when you see counsel for the company rising to enter an objection.

A. All right, sir.

Q. (By Mr. Martin) As you were riding from Port Arthur to Galveston was there any conversation in the automobile? A. No, sir.

Q. When you met this man on the street corner were you registered at any shipping place in Galveston? A. No, sir.

Q. Do they have a Seamen's Institute in Galveston.



(Testimony of Clarence Buckless.)

A. I really don't know that. I don't believe they do.

Q. Were you asked if you were registered in Galveston?      A. No.

Q. No?      A. No.

Q. After you boarded the ship did any officer ask you how you were hired?      A. No, sir.

Mr. Van Dusen: Mr. Examiner, may I have my motion to strike for all this testimony without repeating it each time? [878]

Trial Examiner Myers: You mean you object to this line of questioning?

Mr. Van Dusen: I mean with reference to that point that we discussed when I made my motion to strike before and this is a continuation of that line of testimony.

Trial Examiner Myers: Well, are you objecting to the line of questions? That is what I want to know.

Mr. Van Dusen: Yes.

Trial Examiner Myers: I will overrule your objection and ask the reporter to please note an exception.

Mr. Martin: There is piles of this kind of testimony in the record all day yesterday and the day before.

Trial Examiner Myers: Now, Mr. Martin, please don't argue after I rule in your favor. Please go ahead.

(Testimony of Clarence Buckless.)

Q. (By Mr. Martin) Did any officer ask you if you had gotten the job through a registration hall? A. No, sir.

Q. Were you asked if you were a union member?

A. No, sir.

Mr. Martin: Mr. Examiner, those are all the questions I want to ask the witness at this time. However I want to reserve the right to recall Mr. Buckless for rebuttal testimony later on.

Mr. Van Dusen: I have just one or two questions raised by redirect examination. [879]

Trial Examiner Myers: All right.

#### Recross Examination

Q. (By Mr. Van Dusen) Mr. Buckless how long on an average do ships like the Texas ships stay in port before leaving?

A. Approximately 24 hours. [880]

Q. Now, isn't it common practice if they should have to leave hurriedly and are in need of an A. B. to get them off the dock or some place in close proximity to the dock?

Mr. Wright: Mr. Examiner, I would like to say this: If this man knows.

Trial Examiner Myers: Mr. Van Dusen, will you please let Mr. Wright make his objection.

Mr. Van Dusen: He is not making an objection.

Mr. Wright: I am going to object to the question until you put in there "if this man knows." The company ought to know their policy better than this man.

(Testimony of Clarence Buckless.)

Mr. Van Dusen: All right, I will put it in. Will you read the question please, Mr. Reporter?

(The last question was read.)

Q. (By Mr. Van Dusen) (Continuing) If you know?

A. Could I explain that instead of saying "yes" or "no"?

Q. Yes.

Trial Examiner Myers: Tell us in your own words .

A. Before a ship sails, an hour or so, it is the custom of one of the mates or the mate or the engineer in their division to check up on their men. An hour's time is ample time to call the Institute or the Union Hall and get that man and have him down there.

Q. (By Mr. Van Dusen) Now, suppose a good man tells the mate that he will sign new articles and that he may be a [881] late in getting to the ship. Under those circumstances is it possible of your own knowledge, that the mate or the captain might get a man off the dock or in close proximity to the dock? A. It has been done.

Q. I see. Now——

Trial Examiner Myers: Is it done often? Is it done often?

A. By The Texas Company, I believe it is done quite often.

Q. (By Mr. Van Dusen) Now, they do have to have a certain number of A. B.'s and ordinaries and so on, don't they? A. Yes, sir.

(Testimony of Clarence Buckless.)

Q. So that if in an emergency they need one of those men they have to get them quickly, don't they?

A. Yes, sir.

Q. Now, you testified on Mr. Martin's redirect examination that no officer of The Texas Company made any effort to get you a job. Did you talk to any?

A. No, sir.

Q. Now, in answering one of Mr. Martin's questions, you said one of your desires was to organize The Texas Company, isn't that right?

A. Was it brought out just like that?

Q. Well, I think so. Is that what you said? I thought Mr. Martin asked you whether it was not one of your desires to organize The Texas Company. [882]

A. Yes, sir.

Q. Is that right?

A. It is.

Q. Is it also one of your desires to organize other companies not having signed agreements with the N. M. U.?

A. Yes, sir.

Q. Now, you testified that while on the SS "Broad Arrow", a Standard of New York vessel, you represented the crew in connection with complaints which were made to the captain, is that right?

A. Yes, sir.

Q. Did you say that was the only time on ships other than The Texas Company you approached captains of vessels with respect to complaints?

A. Yes, sir.

Q. You didn't include in that, however, did you, individual complaints?

A. No, sir.

(Testimony of Clarence Buckless.)

Q. So on a number of occasions in your twenty years' experience individual complaints might have been made to captains of these other vessels, isn't that so? A. No doubt.

Q. Now, you don't know of your own knowledge whether complaints on behalf of the crew were not made to the captains of these other vessels, do you? [883]

A. Read that question please.

(The last question was read.)

A. No, I don't.

Q. (By Mr. Van Dusen) Now, I believe you said that all of these ships operated in practically the same manner. Didn't you say that sometime today? A. Yes, sir.

Q. So that complaints generally would be about the same on those ships, wouldn't they?

A. Operations and conditions——

Q. (Interrupting) Yes, conditions.

A. (Continuing) Are different.

Q. And are you now changing your testimony?

A. No, the operation——

Q. Well, I mean the operations, handling the crew and everything on board the ship; there are practically the same grievances and so on, isn't that so? A. Yes.

Mr. Van Dusen: I believe that is all.

#### Redirect Examination

Q. (By Mr. Martin) Mr. Buckless, is it one of your duties as a member of the Union to help con-



(Testimony of Clarence Buckless.)

duct union activities in companies having a contract with the union now?           A. Yes, sir.

Q. Did The Texas Company or any official ever take the [884] initiative and call you and offer to help you get a job?           A. No, sir.

Mr. Martin: That is all.

Trial Examiner Myers: You are excused Mr. Buckless.

The Witness: Thank you.

(Witness excused.)

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Mr. Van Dusen: There is just one thing before we quit, Mr. Examiner:

You will recall that on Monday of this week Mr. Davis amended his complaint to include two additional seamen; namely, Rufus Andrews and Jack Wilson; and I had the usual five days in which to answer. Those five days expire tomorrow.

Now, I have had a preliminary investigation made—not a complete investigation however—but I have sufficiently investigated to enable me to enter it now.

Now, may I do as Mr. Davis did and enter the denial on the record without the necessity of filing a formal answer? Here is what I would like to do;

I would like to say that in respect to the charges regarding seamen, Rufus Andrews and Jack Wilson, who were included in the complaint by counsel for the Labor Board on Monday, let it be agreed that the charges in respect to such men may be deemed denied in the same manner and to the same

effect as if included in the amended answer. [885]

Is that agreeable to you, Mr. Martin?

Mr. Martin: That is agreeable.

Mr. Van Dusen: Is it agreeable to you, Mr. Wright?

Mr. Wright: Yes, sir.

Trial Examiner Myers: It may be so stipulated.

Mr. Van Dusen: And it is also stipulated that it will not be necessary for the Respondent to file a formal answer. Is that agreeable?

Mr. Martin: That is agreeable.

Mr. Wright: Right.

Trial Examiner Myers: It is so stipulated.

(Discussion off the record.)

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ALBERT P. LORTIE,

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

(By Mr. Martin.) [886]

I said, "You are the chief mate?"

He said, "Yes."

He said, "You are the new A. B.?"

I said, "Yes, sir."

He said, "Do you belong to any union?"

I said, "Yes, sir. I belong to the N. M. U. Does that make any difference?"

(Testimony of Albert P. Lortie.)

"Well," he said, "I will tell you" he said, "We don't want any discontent in the crew on account of any union, because," he said, "We don't recognize any union."

Well, I said, "You shall not have it." [889]

Q. Were those minutes placed anywhere? Any special place on the boat?

A. Only in his locker and one copy was posted on the bulkhead of the P. O. mess.

Q. Where was it posted?

A. On the bulkhead of the P. O. messroom; petty officer's messroom.

Q. A copy of the minutes of every meeting was posted there?

A. From the time I was on there until I got off, yes, sir.

Q. Every meeting? A. Yes, sir.

Q. Did you read any of those minutes?

A. Yes, sir.

Q. Was the name of the chairman of the meeting on the minutes? A. Yes, sir.

Q. What was that name?

A. Albert P. Lortie.

Q. Did you see copies of any of those minutes posted on the bulkhead? A. Yes, sir.

Q. Who eats in the petty officer's messroom?

A. The boatswain, the quartermasters, the oilers, and watertenders.

Trial Examiner Myers: Did you eat there? [893]

A. No, sir, just the petty officers.

(Testimony of Albert P. Lortie.)

Q. (By Mr. Martin) Is coffee drunk there?

A. Yes, sir.

Q. Who drinks coffee there?

A. Everybody of the crew; officers and all.

Q. The mate? A. Yes, sir.

Q. The captain? A. Yes, sir, at times.

Q. Not always? A. Not always.

Q. What do you mean when you say "drink coffee"?

A. That is at 10:00 o'clock in the morning and 3:00 o'clock in the afternoon.

Q. Everybody takes a little vacation?

A. About fifteen or twenty minutes.

Q. The mates too?

A. Yes, sir, except the one on watch.

Q. Did you ever see the chief mate in the P. O. messroom? A. Yes, sir.

Q. Did you ever see him reading the minutes of any of those meetings?

A. Two different times for the chief mate.

Q. Two different times for the chief mate?

A. Yes, sir. [894]

Q. Two different meetings? A. Yes, sir.

Q. Did you ever see the captain in the P. O. messroom? A. Yes, sir.

Q. Did you ever see the captain reading the minutes of any meetings? A. Once, sir.

Q. Of one meeting? A. One meeting.

Q. Do I understand or is it or is it not correct that when you would take down one set of minutes you would put up the next set?

(Testimony of Albert P. Lortie.)

A. That is correct.

Q. When would the minutes be put up?

A. As soon as he could rewrite them.

Q. Who would put them up?

A. As a rule the recording secretary.

Q. Did you ever put any up?

A. Not that I recall.

Q. Did you ever see any other officer reading the minutes of any meeting there?

A. Some of the engineers have.

Q. Did you see them?           A. Yes, sir.

Q. Do you remember any particular one? [895]

A. The three—well, the first assistant, second assistant, and third assistant.

Q. You saw them?           A. Yes, sir. [896]

Q. (By Mr. Martin) Mr. Lortie, did you testify that minutes of union meetings would be placed on the bulletin board on the bulkhead of the “Roanoke” while you were on it?           A. I did.

Q. How long would those minutes remain there?

A. Until the minutes of the following meeting were drawn up; were rewritten.

Q. And then what would happen?

A. The old ones—the ones of the previous meeting, I mean, would be taken down and they would be posted in their place.

Q. I see; minutes of the old meeting would be taken down and the minutes of the new meeting would be put up?           A. That is it.



(Testimony of Albert P. Lortie.)

Q. Is it true then, or is it not true, that at all times during that trip there were minutes of some union meeting on the bulkhead?

A. Up to the time that there was one set disappeared in Port Arthur. [912]

Q. Did you miss a watch?

A. Yes, sir. I paid that watch back though.

Q. You paid that watch back?

A. Yes, sir. The mate said, "We will call it quits then." He said, "We will call it a closed issue."

Q. He did?

A. Yes, sir. He wanted me to work the time back. I paid one watch. It wasn't a watch either. We were all on day watch and when he sent us on watch I got another fellow to work [921] me and I paid him at the rate of an hour overtime; that hour overtime rate. The other four hours I couldn't get anybody. We were all working day work. So that is the four hours he was talking about. He wanted me to work them back.

And I said, "Mate, I will tell you. It is all according to how they feel, because we don't advocate working time back in the union," and I said, "If they say it is all right I will work it back."

And we had a little informal meeting and they said, "Al, whatever you decide to do, it will be all right with us. We will keep things quiet and there won't be nothing said about it."

And so I worked them back and there was nothing said about it. [922]

(Testimony of Albert P. Lortie.)

A. No, sir. The skipper gave me some beer after that.

Q. Oh, he did? A. Sure. [928]

Q. Tell us about that?

A. Five or six times he gave me some beer.

Q. After that? A. Sure.

Trial Examiner Myers: When you say "the skipper," you mean the captain of the boat?

A. Yes, sir. That is what we call them. Do you want me to say "captain"?

Trial Examiner Myers: It doesn't make any difference as long as we know whom you are referring to.

Q. (By Mr. Martin) Tell us about any occasions when the captain gave you any beer?

A. Well, when I was sooging around midships, working around there, around his quarters, he slipped me a can of cold beer. He gave me whiskey a couple of times too.

Q. He did? A. Sure.

Q. After this? A. Sure.

Q. After you missed the watch? A. Sure.

Q. Did he tell you not to drink it when he gave it to you? A. He gave it to me to drink.

Q. He did? A. Sure. [929]

Q. How about the beer?

A. The same thing.

Q. Is the captain a good friend of yours?

A. No friend of mine. He is a captain to me. He was all right with me. [930]

(Testimony of Albert P. Lortie.)

Cross Examination

(By Mr. Van Dusen.)

Q. Who hired you at that time, Mr. Lortie, do you remember?      A. When I boarded the ship?

Q. Yes.      A. The chief mate.

Q. The Chief Mate?      A. Yes, sir.

Q. What was his name?

A. Mr. Carpenter.

Q. Mr. Carpenter?      A. Yes, sir.

Q. Did he ask you if you were a member of the N. M. U.?

A. Yes, sir. It would take me two minutes to tell you what he told me, and it will save you some of your valuable time.

Q. All right.

A. When I boarded the ship I saw the chief mate at the galley door. And I said: "You are the chief mate?" and he said he was. And I said: "I am the new A. B."

And the Chief mate said: "Do you belong to any union?"

A. And I said: "Yes, sir, I am an N. M. U. Does that make any difference?"

And he said: "No, but I am going to tell you one thing. We don't want any discontent in the crew back here on account of the N. M. U." [951]

LEO HERMEN

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Trial Examiner Myers: Will you give your name and address to the reporter?

A. Leo Hermen. 1439 Houston Avenue, Port Arthur, Texas.

Q. (By Mr. Wright) Mr. Hermen, are you a seaman? A. Yes, sir.

Q. What licenses do you hold? What certificate?

A. An A. B.'s ticket.

Q. Are you a member of the National Maritime Union? A. No, sir.

Q. What union do you belong to?

A. I. S. U.

Q. Does that mean International Seamen's Union?

A. International Seamen's Union, yes, sir.

[1007]

Q. How long have you been a member of the International Seamen's Union?

A. Since '23; 1923.

Q. How long have you been going to sea?

A. About since 1922.

Q. Have you ever sailed on any Texas Company ships? A. Yes, sir.

Q. Can you remember what ship you first sailed on of The Texas Company?

(Testimony of Leo Hermen.)

A. The "Franklin" I believe it was in San Pedro.

Q. Can you name the date?

A. I believe I have the date here. The SS "Franklin" about 1934—1924.

Q. Have you shipped on some ships since then?

A. Yes, sir. The "Alabama".

Q. When was that?

A. About June 1, 1935.

Q. When did you get off that ship?

A. I didn't get off. I got left behind.

Q. The ship left before you got on?

A. Yes, sir.

Q. What was the next ship you were on of The Texas Company?

A. The "Dungannon." I got on her May 28, 1937, and got off July 8, 1937.

Q. Have you been on a ship of The Texas Company since then? [1008]

A. I was on the "New Jersey".

Q. When were you on her?

A. I got on there in August, 1937, and got off March 12.

Q. 1938?           A. 1938.

Q. Have you been on a Texas Company ship since then?           A. Yes, sir, the "Nevada".

Q. When were you on her?

A. Got on April 19, 1938, and got off May 21, 1938.



(Testimony of Leo Hermen.)

Mr. Van Dusen: I didn't get the first date. What was the first date? A. April 19.

Mr. Van Dusen: And you got off when?

A. Got off May 21, I believe.

Q. (By Mr. Wright) What job did you have on the "Nevada"? A. A. B.

Q. Do you remember where the ship was when you got on her?

A. Yes, sir. She was at the Texas dock.

Q. How come you to leave that ship on May 21?

A. I left it because they had bad water on there.

Q. Did you get sick as a result of it?

A. Yes, sir, I got sick and was sick three days.

Q. Now when you went on the steamship "Nevada" did you have a conversation with the mate?

A. Yes, sir, I had a conversation about——

[1009]

Q. (Interrupting) Now what is the mate's name? A. I don't recall what his name is.

Q. Do you remember what time it was when you talked to him?

A. Yes, sir, it was 8:00 o'clock in the morning.

Trial Examiner Myers: Will you take the exhibit and show it to the witness so that we can get the name of the mate?

Q. (By Mr. Wright) Is this the mate (handing a paper to the witness)?

A. That is it; Carl Tranberg.

Q. Is that the name of the mate, Carl Tranberg?

A. Yes, sir.

(Testimony of Leo Hermen.)

Q. That is the man with whom you had the conversation?      A. Yes, sir.

Q. Will you tell us exactly what transpired in that conversation? Tell us what took place, what he said and what you said.

A. Well, I came on board about 7:00 o'clock in the morning on the "Nevada". I had an A. B.'s job. I got it from the Institute and I went into the forecastle and put my sea bag in there and I met Baldy, a fellow by the name of Rosen, over there, and as I came in there he asked me if I had a union book. I told him, "Yes, I had a union book; it all depends what kind." So I told him I was a member of the I. S. U. [1010]

Q. Is that all that was said between you and Rosen?

A. Between me and Baldy, yes, sir.

Q. Have you been in the hearing here since the first day of the hearing?

A. Here in the court room?

Q. Yes.      A. No, sir.

Q. Now then after you had the conversation with Rosen did you later have a conversation with Mate Tranberg?      A. Yes, sir.

Q. What happened?

A. About 8:00 o'clock in the morning.

Q. What happened in that conversation?

A. I told the mate that there was a little misunderstanding between the crew and me about not

(Testimony of Leo Hermen.)

being a member of the N. M. U. So he told me if I wanted to go to work to go and see the boatswain and turn to.

Q. Did he say anything about the union boys?

A. Yes, he said something about the union. He said, "Them boys back there are trying to get around the union, but," he says, "as far as I am concerned I don't care whether you are a union man or not. If you want to go to work, go and see the boatswain and turn to."

Q. Did he say anything about the union boys thinking that they were running the boat? [1011]

Mr. Pipkin: That is a little leading.

Trial Examiner Myers: Sustained.

Q. (By Mr. Wright) Do you remember any more conversation that took place?

A. I remember a conversation in the afternoon with the mate.

Q. This same day? A. Yes, sir.

Q. What time was that?

A. Between 12:00 and 1:00.

Q. Will you tell us what took place; what was said by the mate and by you in that conversation?

A. The mate asked me who I had the conversation back in the forecastle with. So I told him I wasn't a rat.

So he says, "I know who you had the conversation with. It was with Baldy." He says, "Baldy is a good man, but he let the union go to his head;"

(Testimony of Leo Hermen.)

and he said, "we had a boatswain on here. He done the same thing. Every time a union man comes on board he asked him if he had a union book."

Trial Examiner Myers: You mean "every time a new man comes on board"?

A. A new man, yes, sir.

Q. (By Mr. Wright) Do you know to which boatswain he was referring?

A. The fellow that was fired the trip before.

Q. Was it Mr. Buckless? [1012]

A. Mr. Buckless. That is his name.

Q. Did the mate make any comment about whether or not he liked or disliked to have a union man on board his ship?      A. Yes.

Mr. Pipkin: That is a little leading, Mr. Examiner.

Trial Examiner Myers: Will you read the question again, Mr. Reporter?

(The last question was read.)

Trial Examiner Myers: I will sustain the objection.

Q. (By Mr. Wright) Some time later did you have another conversation with the mate?

A. Yes, sir. Up in New Haven.

Q. Do you remember the approximate date of that conversation?

A. Well, I should say it was about nine days after I joined the ship.

(Testimony of Leo Hermen.)

Q. Can you tell us what happened during that conversation; what was said?

A. Yes. Me and the mate was working on the tanks. We was cleaning the tanks and we was talking about—he brought up Baldy. That is what he called him.

Trial Examiner Myers: You mean Rosen?

A. No, he didn't call him——

Trial Examiner Myers: No. I say do you mean Rosen when you talk about Baldy? [1013]

A. Yes. He told me that he fired Baldy on account of union activities but that is not the reason that he gave him, but he also fired the boatswain on account of union activities but the captain found another reason to fire him.

The only reason he told me that I told him I didn't belong to the N. M. U.; I belonged to the I. S. U. Otherwise he wouldn't have told me.

Q. (By Mr. Wright) Did he tell you that with respect to both Rosen and Buckless?

A. He told me that about the two of them.

Q. In other words, what you said was what he said about Rosen and Buckless?

A. Yes, sir.

Q. And the mate so stated?

A. And the mate said that, yes, sir.

Q. What did you say to him after that?

A. I don't recall what I said.

Q. Did you or not say anything to him about whether or not you would have taken the job?



(Testimony of Leo Hermen.)

A. Oh, yes. I asked him why he fired Baldy; if he fired him on account of me. So I don't know what he said right there. So I told him, "If you fired him on account of me, I wouldn't have took the job, because I got fired on too many ships for union activities."

Q. In other words, you were sympathetic toward him, were [1014] you?

A. That is right.

Q. After you got off of the "Nevada" did you register at the Seamen's Institute?

A. Yes, sir.

Q. On which list did you register?

A. On the Texas line.

Q. Do you know the approximate date when you registered?

A. I believe it was around May 22. Well, it was the day after I got off in New Orleans. It was on Monday morning. We left there Saturday.

Q. After you had registered or some time after you had registered at the Seamen's Church Institute down here did you engage in any activity in behalf of your union and the N. M. U.?

A. Yes, sir, I did.

Q. What did you do?

A. We got a petition up to take down to Mr. Hand about Mr. Meyers shipping everybody out except the Seamen's Institute.

Q. Do you remember, Mr. Herman, what that petition related to?

(Testimony of Leo Hermen.)

A. Yes, sir. It related on account of Mr. Meyers shipping out all kinds of fellows—well, anyhow, that didn't belong to the union and never went to sea before.

Q. Was there any reference made in the petition to the [1015] places where men were shipped from?

A. Yes, sir.

Q. What was that reference?

A. There was three or four different ships that the A. B.'s and quartermasters and ordinary seamen had been shipped out that never came off the Texas lists; that Mr. Meyers got them from the bar rooms.

Q. From where?

A. From the bar rooms or honky-tonk joints or whatever you call them.

Q. This petition, was it typed out into several copies?

A. Yes, sir, it was typed out in three copies and there was about thirty or forty names on them.

Q. Now, did each of the men sign the three copies? A. Yes, sir.

Q. Now then with reference to these three copies, do you know what happened to all three of them?

A. Yes, sir. I showed one copy to Mr. Meyers and another copy was sent to Mr. Roney by Mr. Baldy; Mr. Rosen. I seen him mail it and send it, but he never got an answer from it.

Q. The other copy is in the possession of your union?

(Testimony of Leo Hermen.)

A. Of the union; not of my union, but of the N. M. U. Union.

Q. Were you present when Mr. Rosen mailed the copy to Mr. Roney? [1016] A. Yes, sir.

Q. You say you personally carried the copy to Mr. Hand? A. Yes, sir, to Mr. Hand.

Trial Examiner Myers: To Mr. Hand or Mr. Meyers? A. Mr. Hand.

Q. (By Mr. Van Dusen) Now was your name on this petition?

A. Yes, sir, my name was on the petition.

Q. Was it on all three copies?

A. I believe it was on all three copies.

Q. Now do you remember who it was that drafted or who wrote the petition?

A. Who wrote that petition? I couldn't swear who it was.

Q. Did you have any part in it?

A. Yes. I told Mr. Baldy there and told a few more fellows from the union that they had been shipping them out of here right along and I had been on top of the list for three weeks and they had never given me a call.

Q. You were in favor of this and were in favor of taking some part in it? A. Yes, sir.

Q. Who went with you when you presented the petition to Mr. Hand?

A. Well, we went down there; three or four fellows and I had five fellows in the automobile; and Mr. Hand wasn't home.

(Testimony of Leo Hermen.)

Q. Did you finally carry it to him by yourself?  
[1017]

A. Yes, sir. I went home and took my wife out for a while and I just happened to drive by Mr. Hand's home and saw him drive in the garage. So I took the opportunity of going in and showing him the petition. [1018]

Q. Do you know where the petition was when the people signed it? A. Up in the union hall.

Trial Examiner Myers: What union hall?

A. The N. M. U.

Q. (By Mr. Wright) Did you make any effort to get people to sign this petition?

A. I did.

Q. Did you ask people to sign it?

A. I did.

Q. Now after this petition had been drawn up and after you had mailed a copy to Mr. Roney and after you had presented a copy of it to Mr. Hand, did you have a conversation with Mr. Meyers with respect to a job? A. Yes, I did.

Q. Now then, what did you say to Mr. Meyers?

A. I asked him why he doesn't ship me out.

Q. And what did he say?

A. He told me I had better go see Mr. Roney or Mr. Meyers. I told him I didn't quite have the railroad fare to go see Mr. Roney.

Trial Examiner Myers: Who said this?

A. Mr. Meyers; Two-Gun Meyers.

(Testimony of Leo Hermen.)

Trial Examiner Myers: What other Meyers did he have reference to? [1019]

A. Oh, Mr. Hand. Mr. Hand or Mr. Roney. Mr. Meyers said that.

Q. (By Mr. Wright) Did you say anything to him about men being shipped ahead of you?

A. Yes, sir, I told him, "There are twenty or thirty fellows being shipped out and they are not being shipped out from the Seamen's Institute; that they are being shipped out from the beer joints and dance halls and the boarding house down there."

Q. Did Mr. Meyers say anything about why you hadn't been hired?

A. Yes, he told me because I took a petition over to Mr. Hand that he got orders from Mr. Hand and Mr. Roney not to ship me on account of that petition I took down there.

Q. He told you that he had orders from Hand and Roney not to ship you? A. That is right.

Q. Now at any time subsequent to that did you have any conversation with Mr. Hand about this thing?

A. Yes, I called him up and asked him why he doesn't ship me out. He told me to go and see Mr. Meyers.

Q. Did he ask you what your name was?

A. He asked me what my name was and I told him my name was on the petition there and he asked me what my name in particular was and I told him "Leo Hermen."



(Testimony of Leo Hermen.)

Q. What did he say? [1020]

A. He told me to see Mr. Meyers and he slammed the door in my face.

Q. While you were standing there talking to him?

A. While I was standing there talking to him.

Q. What did you do then?

A. The only thing I could do was to go home.

Q. Now where did this conversation take place?

A. At Mr. Meyers' house.

Q. You mean Mr. Hand's house?

A. I mean Mr. Hand's house.

Q. Is that in Port Arthur here?

A. Yes, in Port Arthur.

Q. Now still subsequent to that date did you then have another conversation with Mr. Meyers about getting a job?

A. Yes, I had a conversation with Meyers. He told me that I took that petition to Mr. Hand and he told me if it was up to him he wouldn't ship me anyhow and then he called me a few names that I guess I can't say around here.

Q. That is all right. Did he make any comment at all with respect to hiring out of the Seamen's Institute?

A. No, he didn't. I have been on the list there for four months and I haven't shipped yet.

Q. Do you remember anything else that was said in that conversation at that time when he said if he had his way he would never ship you? [1021]

(Testimony of Leo Hermen.)

A. Yes, he told me that he had orders from Mr. Hand and Mr. Roney not to ship me.

Q. Did he say anything about the captain on the "Nevada" not wanting you to go to work?

Mr. Williams: Now that is leading, your Honor. We certainly object to that question.

Trial Examiner Myers: I will sustain it.

Will you please tell us in detail just what Mr. Meyers said to you and what you said to him?

A. Mr. Meyers told me that the captain on the "Nevada" didn't want me.

So I told him, "That is not the only ship The Texas Company has got."

Q. (By Mr. Wright) What did he say then? Did he tell you he would look into it or to go on home?

A. Yes, he told me he would look into it, but he never did.

Q. Have you had a job since you had that conversation with him?

A. No, I haven't had a job with them.

Q. Did they come over and offer you a job?

A. No. They won't either.

Q. Do you know where you are on the list?

A. Right at the present time I am not on the list. I have been here for four months and they told me they won't ship me. I have been on the list for three and a half months and they [1022] say they won't ship me out. I asked Davis at the Institute and they say they got orders not to ship me

(Testimony of Leo Hermen.)

from Meyers and Meyers got his orders from Mr. Hand and Mr. Roney.

Q. How did you happen to get off the list?

A. Well, I happened to miss last Monday's call. I wasn't here. I have a family to support. I was looking for a job.

Q. Have you had any employment since you got off the "Nevada"? A. No, sir.

Q. You haven't worked anywhere ?

A. Well, I have worked about two days cutting grass for a fellow. That is all.

Q. That is all the work you have had since you got off the "Nevada"?

A. That is all I have had, except on a shrimp boat.

Q. Except on what?

A. Except on a shrimp boat.

Q. You worked on a shrimp boat?

A. Yes, sir.

Q. How much have you made working on shrimp boats?

Trial Examiner Myers: Is he one of the discharged employees?

Mr. Wright: No, sir.

Mr. Van Dusen: What was that?

Trial Examiner Myers: I don't want to hear how much he has earned. [1023]

Mr. Wright: That is all.

(Testimony of Leo Hermen.)

Cross Examination

Q. (By Mr. Van Dusen) Now, Mr. Hermen, the first time you signed up on a Texas Company ship was on the S. S. "Franklin", did you say?

A. Yes, the "Franklin".

Q. What is that?

A. Yes, sir. A stand by job in the San Pedro Dry Docks.

Q. How did you get that job, Mr. Hermen?

A. I got it through the shipping hall.

Q. What?

A. I got it through the hall where they ship in San Pedro. [1024]

Q. San Pedro, California, is that?

A. Yes, sir.

Q. Well, what Hall was that that you got it through?

A. I don't remember what the name of it is. Stevedores' Hall, I believe it is.

Q. Stevedores' Hall? A. Yes, sir.

Q. It wasn't any union hall, was it?

A. No, sir.

Q. Were you an I. S. U. member at that time?

A. Yes, sir.

Q. How long were you on that ship, Mr. Hermen?

A. I don't recall how long I was on there. It was just a stand by job.

Q. Just a short time?

A. A short time, yes.

(Testimony of Leo Hermen.)

Q. Now, I believe you said that the next ship you were on of The Texas Company was the SS "Alabama," is that right?

A. "Alabama," yes, sir.

Q. When was that?

A. Around 1935, I believe it was. It was in 1935 around July. I am not positive about the date. The Texas Company has a record of all that. I believe they can find it.

Q. Weren't you on the "Alabama" in 1933?

A. That might be so. It might have been 1933 or it might [1025] have been 1935. I don't recall the date.

Q. Do you have your discharges for that?

A. No, I never carry discharges. A mate can look at a man and tell him if he is an A. B. I never carried them.

Q. You don't keep them? A. No, sir.

Q. You haven't any of them?

A. No, sir, I haven't got a one. I don't keep them.

Q. Now, weren't you also on the SS "California" in 1930?

A. 1930? Not that I recall. I might have been on it. I have been on quite a few ships in Port Arthur.

Q. Were you ever on ships of any other company?

A. Yes, sir. The Gulf Refining Company.

Q. What is that? A. The Gulf.



(Testimony of Leo Hermen.)

Q. The Gulf Refining Company?

A. Yes, sir.

Q. Was that prior to 1930 or after?

A. Well, I was in 1930 and 1931 and 1932.

Q. Now you have been an A. B. since, you say, 1923?

A. No, sir, I haven't been an A. B. since 1923. I got my A. B.'s ticket in 1926.

Q. 1926? A. Yes, sir.

Q. And you have been on Gulf ships. Have you been on Standard [1026] of New York ships?

A. Yes, sir.

Q. Now do you recall why you left the SS "California" in 1930?

A. I don't recall ever being on the ship. I might have been on it, but I don't recall it.

Q. Do you recall why you left the SS "Alabama" in 1933? A. I was left behind.

Q. You were on shore?

A. If that was the date, I got left behind. I am sure of that.

Q. You were on shore?

A. On shore. I am a married man.

Q. You missed the ship?

A. Yes, sir. It was supposed to sail at 6:00 o'clock, but I believe she sailed at 5:00.

Q. Now, when you were hired on the SS "Alabama" where were you hired?

A. I believe it was the Seamen's Institute.

Q. On The Texas Company list?

(Testimony of Leo Hermen.)

A. It must have been on the Texas list, because they don't hire you unless you are on the list. I don't recall what list I was on.

Q. You were an I. S. U. member?

A. Yes, sir, I am still an I. S. U. member.

Q. Didn't anybody ask you if you were an I. S. U. member? [1027]

A. At that time? No, sir, not that I recall.

Q. Now, in 1937 you were on the SS "Dungan-non"? A. Yes, sir.

Q. How were you hired on that ship?

A. I was hired by Mr. Meyers; Two Gun Meyers.

Q. Through the Institute here?

A. No, through Mr. Meyers.

Q. Well, how did he get in touch with you?

A. Oh, he can find me down at the house and he asked my wife where I was working at and he got me.

Q. Does he have a list of his own?

A. Yes, he has quite a good list of his own.

Q. He has?

A. A good one. He has pages of them.

Q. And he gets men off that list?

A. Yes, sir. If you have ten dollars or fifteen dollars you can get a job at any time.

Trial Examiner Myers: Did you ever give him any money? A. No, sir.

Q. (By Mr. Van Dusen) Did you ever pay him for a job?

A. No, sir, I wouldn't pay that—

(Testimony of Leo Hermen.)

Q. Did you ever see anybody pay him for a job?

A. No, sir, but I can bring witnesses up to show that they give ten dollars for a job; not to Meyers, but to the beer joint. [1028]

Q. Oh, to the beer joint?

A. Yes. Meyers is pretty smart. He wouldn't take the money himself. He has brains.

Q. But you never paid him?

A. No, sir. The only thing I would pay him with is nothing.

Q. Now, he gets men from this list of his own and he gets them from the Institute?

A. Very seldom he gets them from the Institute. Only when he can't get his own friends.

Q. Please answer my questions so that we can shorten this examination. I just want to know what you know of your own knowledge.

A. I am talking about what I know.

Q. I am asking you this: He gets men from his own list and he also gets some from the Institute?

A. Very few from the Institute.

Q. But he gets some?

A. You can count them on your hand.

Q. Well, he gets some, doesn't he?

A. Yes, sir.

Q. You got on the "Alabama" through the Institute?

A. I believe I got on the "Alabama" through the Institute. I don't recall.

(Testimony of Leo Hermen.)

Q. You don't know if he gets men any other place, do you?

A. Yes, sir, I do. He gets them at the Rainbow Inn. He gets [1029] them at Old Lady Mitchal's. He gets them at Procter Street, Blume's place. There is a half dozen more places that I don't recall what the name is, but I could show you.

Q. So when he gets a man at a particular time, you don't know whether he is getting him from his own list, from the Seamen's Institute list, or from these other places that you have mentioned?

A. Why not?

Q. I say at any particular given time you don't know just where he gets the men?

A. No, not at that particular time.

Q. So you don't know whether he is first in line or not?

A. Oh, yes. You can always ask a fellow what he is on the list.

Q. You ask every man that is hired by The Texas Company what his place is on The Texas Company list?

A. I can see. I am at the Institute all the time.

Q. But you don't know about these other places?

A. No, because I don't go to these places and pay ten dollars for a job.

Q. Then you don't know who is first on his private list?      A. No, sir.

Trial Examiner Myers: But you do know who is first on the Seamen's Institute list?

(Testimony of Leo Hermen.)

A. Yes, sir. [1030]

Q. (By Mr. Van Dusen) But you don't know whether the man whom he hires is first on his private list, do you? A. No.

Q. Why did you leave the "Dungannon"?

A. Because the mate wanted me to work day work and I didn't want to and according to the Marine Law all hands is supposed to be on watch.

Q. Did you quit? A. Yes, sir.

Q. Or were you fired? A. I quit.

Q. Were you with any other Texas Company ship? A. Yes, sir, the "New Jersey".

Q. That was about a month later?

A. Yes, sir.

Q. You were not on any other ship in that intervening time?

A. No, sir, not on any other ship in that intervening time.

Q. Who hired you on the "New Jersey"?

A. I got the job through the Institute.

Q. Through the Institute? A. Yes, sir.

Q. Were you on The Texas Company list or the open list? A. The Texas list.

Q. Were you ever on the open list?

A. No, sir. [1031]

Q. Who called you for the job on the "New Jersey"? A. Mr. Davis called me.

Q. Mr. Davis? A. Yes, sir.

Q. Is he over at the Institute? A. Yes, sir.

Q. What did he say?



(Testimony of Leo Hermen.)

A. He asked me if I wanted a job on the "New Jersey" and I said "Yes".

Q. Did he ask you if you were an I. S. U. member?

A. No, he didn't ask me nothing about that.

Q. Did you report? To whom did you report?

A. I reported to the mate. I believe Newtonson is his name.

Q. What is his name?

A. Newtonson I think is his name.

Q. Newtonson?

A. I believe that is his name.

Q. How long were you on the "New Jersey", Mr. Hermen?

A. I believe I got on on August 19, 1937, to March 12, 1938.

Q. Why did you leave the "New Jersey"?

A. Because the mate was trying to cheat me out of some overtime.

Q. He was what?

A. He was trying to cheat me out of eight hours overtime.

Q. The mate was? [1032] A. Yes, sir.

Q. Did you complain to the captain?

A. Yes, I told the captain about it. I got it after that.

Q. You got your overtime?

A. Yes, sir, after talking about it.

Q. What did you do? Did you leave the ship then? A. Yes, sir.

(Testimony of Leo Hermen.)

Q. Just because of that argument?

A. That is enough.

Q. You left voluntarily?

A. Voluntarily, yes.

Q. Did you get a job on any other ship?

A. No, sir.

Q. On leaving the "New Jersey"?

A. No, sir. The next job was the "Nevada".

Q. Did you register over at the Seamen's Church Institute when you left the "New Jersey"?

A. Yes, sir.

Q. Who called you for the job on the "Nevada"?

A. On the "Nevada"?

Q. Yes. A. Mr. Davis called me.

Q. Mr. Davis over at the Institute?

A. Yes, sir.

Q. Did he ask you if you were a union member at that time? A. No, sir, he didn't. [1033]

Q. How long were you on the "Nevada"?

A. I went on on April 19, 1938, to May 21, 1938; somewhere around thirty-five or forty days.

Q. Now, you said, I believe that you left the "Nevada" because of——

A. (Interrupting) Bad water.

Q. You got sick?

A. I got sick for three days before we got into New Orleans.

Q. So you left that ship of your own accord?

A. I did.

Q. Now, during the period that you were a mem-

(Testimony of Leo Hermen.)

ber of the I. S. U. did the I. S. U. ever have a hiring hall?      A. Yes, sir.

Q. How long ago did they have one?

A. They had one on Houston Avenue in about the 500 block.

Q. What is that?

A. On Houston Avenue in the 500 block.

Q. How long has that been in existence? How long was it in existence?

A. Oh, ever since they have been here in Port Arthur.

Q. Since 1923, would you say?

A. I don't know. I don't recall if they had it that long.

Q. Anyway a number of years?

A. Yes, sir.

Q. Is it closed up now? [1034]

A. I don't remember. I haven't been going up there.

Q. Have you during this period registered at the I. S. U. Hall?      A. Yes, sir, I did.

Q. Have you got any jobs through the I. S. U. Hall?      A. No.

Q. What companies get men through the I. S. U. Hall, if you know?

A. Well, before the strike they had all kinds of companies getting it.

Q. What is that?

A. Before the strike everybody was shipping through the I. S. U. Hall.

(Testimony of Leo Hermen.)

Q. When was the strike? 1936, was it?

A. That last strike they had here.

Q. 1936? A. Yes, the last strike.

Q. You mean they were all shipping through there except those that went to the N. M. U. Hall?

A. No. There was no N. M. U. Hall then.

Q. Could you get on a Texas Company ship through the I. S. U. Hall? A. At that time?

Q. Then or any time? A. I don't know.

[1035]

Q. You never heard of any men getting any jobs on Texas Company ships? A. I don't know.

Q. Well, you know a lot about the Institute?

A. I ought to know.

Q. Well, you were a member of the I. S. U., weren't you? Were you ever over at their hall?

A. Yes, but I never asked questions over there.

Q. You were not interested in the I. S. U.?

A. No, I was interested in the I. S. U., but I wasn't interested in shipping on any ships but The Texas Company and the Gulf.

Q. Even though they had bad food?

A. Yes, they have quite a lot of bad food.

Q. Did you leave one ship on account of bad food? A. Did I say so?

Q. Well, bad water.

A. Well, why don't you say so.

Q. You left one ship on account of bad water?

A. Yes, sir.

Q. And you left one ship on account of overtime?

(Testimony of Leo Hermen.)

A. Yes, sir.

Q. Still they are nice ships, aren't they, and you want to work on them, don't you?

A. Well, I am a maritime man. I am not going to work on a [1036] ship when they try to cheat me out of \$5.00.

Q. Why do you go back to The Texas Company?

A. Do you want to know why?

Q. Yes.

A. Why does a man go back to his trade? Why does a man want to work at his trade? Because The Texas Company ships come here and I am a married man and live here.

Q. Why didn't you try to get a job from the I. S. U. Hall?

A. Because they don't ship as many as the Institute.

Q. They ship some?

A. Yes, if Mr. Meyers doesn't get hold of a man first.

Q. Who? The I. S. U. Hall?

A. No, the men he has around here.

Q. It is possible to get a job over at the I. S. U. Hall?

A. It is possible.

Q. But you haven't registered?

A. I haven't registered, no.

Q. So all you are interested in is getting a job on Texas Company ships?

A. Yes, sir.

Q. Even though you don't like the water and don't like the arguments?



(Testimony of Leo Hermen.)

A. There is lots of things you don't like.

Q. Now, Mr. Hermen, you filed charges against The Texas Company, didn't you? [1037]

A. I did. I believe I did.

Q. When did you do that?

A. After I got off the "Nevada". [1038]

Q. With whom did you file those charges?

A. I seen Mr. Rosen first and he took me up to a law.

Q. He took you where?

A. I seen Mr. Rosen first and he took me up to a lawyer by the Goodhue Hotel.

Q. What lawyer?

A. I don't recall his name.

Q. Name the lawyer. What is his name?

A. What is his name, Rosen?

Q. Was it Mr. Wright?

A. What is his name, Rosen?

Trial Examiner Myers: Never mind. If you don't know the name, say so.

A. I don't recall the name.

Mr. Martin: We are willing to stipulate, Mr. Examiner——

Mr. Van Dusen: I would rather ask him.

Q. (By Mr. Van Dusen) How is it that you didn't file charges through the I. S. U.?

A. Because members of the crew was all N. M. U. men except me. I was the only I. S. U. man on there.

Q. You haven't joined the N. M. U., have you?

(Testimony of Leo Hermen.)

A. No.

Q. Do you plan to? A. Yes.

Q. In the near future? [1039] A. Yes.

Q. Did they tell you you had any basis for charges against The Texas Company?

A. Who?

Q. The man with whom you filed the charges.

A. I believe he said I did have some.

Q. What did you charge? What was your charge?

Mr. Martin: Mr. Examiner, the best evidence of all this concerning Mr. Hermen's relationship with the Board or any charges filed with the Board would be the records kept by the Board.

Trial Examiner Myers: Well, I don't know what this has to do with the case at all.

Mr. Martin: For that reason I move to strike out everything said on that subject.

Mr. Van Dusen: Just a minute. This all goes to this man's credibility. I think I can assume that he knows of his own knowledge what was in those charges. He has testified about petitions and so on.

Trial Examiner Myers: I am not bothered by that objection, but I would like to know what this has to do with this hearing.

Mr. Van Dusen: The man's credibility.

Trial Examiner Myers: Oh, that is nothing.

Mr. Van Dusen: Just a minute. He said he left the [1040] "Nevada" because he didn't like the

(Testimony of Leo Hermen.)

water. Is that a basis for a charge against The Texas Company?

Trial Examiner Myers: Were you served with any complaint?

Mr. Van Dusen: I can produce correspondence from the Labor Board naming Mr. Hermen. I don't think Mr. Martin will deny that.

Trial Examiner Myers: Well, go ahead.

Mr. Martin: Was any charge ever issued?

Trial Examiner Myers: Come on now.

Mr. Van Dusen: Read the question, please.

(The last question was read.)

Mr. Martin: Mr. Examiner, there is a motion before you. I moved to strike it out.

Trial Examiner Myers: I will overrule it.

Q. (By Mr. Van Dusen) What was your charge against The Texas Company?

A. Well, at first I was going——

Mr. Wright: Mr. Examiner, I want to object to this question for the reason that it assumes there was a charge.

Mr. Van Dusen: He admitted it before.

The Witness: I didn't admit nothing.

Trial Examiner Myers: I will overrule it. Please proceed.

Mr. Wright: You overrule my objection, sir?

[1041]

Trial Examiner Myers: Yes.

Mr. Van Dusen: Read the last question.

(The last question was read.)

(Testimony of Leo Hermen.)

Trial Examiner Myers: You went to a lawyer and you told the lawyer what? What did you tell to your lawyer?

A. I was going to find out why that The Texas Company doesn't clean their tanks and have better water than they did have. I was sick for three days and I didn't get nothing out of it.

Trial Examiner Myers: Is that the charge that you filed with your lawyer?

A. I was going to. He said I didn't have a case.

Trial Examiner Myers: And that was the end of it? A. And that was the end of it.

Trial Examiner Myers: And you never heard nothing more about it since then?

A. About the water?

Trial Examiner Myers: No, about the charges, the complaint against The Texas Company.

A. No, not about that.

Mr. Wright: May I ask one question?

Trial Examiner Myers: No more interrupting now if you please. If you have an objection to make, that is all right.

Q. (By Mr. Van Dusen) Did you tell him you wanted your job back and wanted back wages?

A. No, I didn't. [1042]

Q. What? A. No, sir.

Q. This talk of yours was with the Labor Board Examiner, was it, or with a Labor Board Investigator? A. About the water?

(Testimony of Leo Hermen.)

Q. Well, when you filed your charges.

A. No, that was a lawyer of my own.

Q. I thought you said Mr. Rosen took you to him?

A. That is when I went to the Goodhue Hotel. No. When I went to the Goodhue Hotel I just went to help Mr. Rosen about the statement that the mate said on the "Nevada".

Q. You helped him prepare his statement?

A. I didn't help him prepare his statement. I just give him what the mate told me about Mr. Rosen and the boatswain and why he fired them.

Q. Now you went to your own lawyer, you said?

A. Yes.

Q. And filed charges? A. Yes.

Q. Who was the lawyer? A. I don't know.

Mr. Wright: Now, Mr. Examiner, the testimony shows that this man went to two different people for two different purposes. One of them was on a case of his own with reference to The Texas Company and the other was at the Goodhue [1043] Hotel, and I submit that whether this man had or had not a case against The Texas Company for illness on account of bad water has nothing to do with this case and I want to object to it for that reason.

Mr. Van Dusen: I will connect it up.

Trial Examiner Myers: Objection overruled and if he doesn't connect it up I will entertain a motion to strike.



(Testimony of Leo Hermen.)

Mr. Van Dusen: I will connect it up now by asking Mr. Martin to concede that the Labor Board notified The Texas Company that charges had been filed by Mr. Hermen for violation of the Labor Act.

Mr. Wright: Are you objecting because he didn't pursue them?

Trial Examiner Myers: Mr. Van Dusen, will you please go ahead with the examination?

Q. (By Mr. Van Dusen) To what lawyer did you go, please? A. I don't know.

Q. You don't know his name?

A. No. That has not got nothing to do with the case, like you say so. I don't know.

Q. Please just answer my questions.

A. I am answering your questions. [1044]

Q. You left the "Nevada" on May 21, 1938, a couple of months ago?

A. It is more than a couple of months ago already.

Q. How many months would you say it is?

A. Well, it is since May.

Q. How many months?

A. A little over three months or so.

Q. You thought you had a charge against The Texas Company and you went to some lawyer and you don't know his name? A. No.

Q. You don't remember his name? A. No.

Q. You don't want to remember it?

A. No. I say I don't know. I didn't say I didn't want to remember it. I forget it.

(Testimony of Leo Hermen.)

Q. Weren't charges filed with the Labor Board?

A. I told him on account of the bad water. He wanted to know why I quit and I said on account of the bad water.

Q. Were charges filed with the Labor Board?

A. Yes, I believe so.

Q. You later withdrew those charges, didn't you?

A. I didn't withdraw nothing that I know of.

Q. What?

A. I didn't withdraw nothing that I know of.

Q. You didn't withdraw anything? [1045]

A. Not that I know of.

Q. You think they are still pending?

A. I don't know.

Mr. Wright: Mr. Examiner, again I have objection. I want to object to the immateriality of the questions. I suggest again that the best evidence of what was done with the Board is the Board's own records, and I think it is obvious, even to Mr. Van Dusen, that the witness is confused over the word "charge". He is confusing the word "charge" with his own case as distinguished from the charge before the Board.

Trial Examiner Myers: Are there any charges pending on behalf of Mr. Hermen?

Mr. Martin: Are there now?

Trial Examiner Myers: Yes, sir.

Mr. Martin: No, sir.

Trial Examiner Myers: Were there ever any?

Mr. Martin: There may have been. I will have

(Testimony of Leo Hermen.)  
to go through the file carefully.

Mr. Van Dusen: I can show Mr. Martin in just a minute.

(Discussion off the record.)

Mr. Van Dusen: Well, will you concede for the record that charges were filed with the Labor Board on behalf of Leo Hermen?

(Discussion off the record.)

Mr. Van Dusen: I would just as soon have Mr. Martin put [1046] in the record, as Mr. Davis did, what his file shows. Then it will be clear.

Mr. Martin: Let the record show that there is contained in the file of the Sixteenth Region of the National Labor Relations Board an affidavit signed "Leo Hermen" and subscribed and sworn to in front of John F. Lebus, Field Examiner for the Sixteenth Regional office of the Labor Board, and dated May 25, 1938.

Let the record show furthermore that there is in the file an amended charge, stamped received August 6, 1938, by the Sixteenth Regional office of the Labor Board, dated August 1, 1938, Jefferson County, Texas, in which amended charge appears the name of Leo Hermen, an able-bodied seaman, who is alleged to have been discharged from the S.S. "Nevada" on or about May 22, 1938.

Mr. Van Dusen: Is there anything your file shows with reference to the withdrawal?

Mr. Martin: That is not the charge, however, upon which the complaint is based. I find no evi-

(Testimony of Leo Hermen.)

dence in the file that this charge was ever served upon the company.

Mr. Van Dusen: Is there anything in there indicating withdrawal of the charge?

Trial Examiner Myers: Well, evidently after the charge was filed the Labor Board didn't think that Hermen had a good case. [1047]

Mr. Van Dusen: They did when they wrote me.

Trial Examiner Myers: They just said that the charge had been filed. They didn't file the charges. They notified you that the charge had been filed.

Q. (By Mr. Van Dusen) Now, Mr. Hermen, do you remember talking to Field Examiner Lebus and signing an affidavit for him on or about May 25?

A. I remember signing one affidavit.

Q. What is that?

A. I remember signing one affidavit. I don't know what date it was, though.

Q. You remember signing an affidavit?

A. I remember signing something, but I don't remember what date it was.

Q. You told him what to put in it, didn't you? You told Mr. Lebus what to put in it?

A. He asked me questions and I told him just exactly how it was.

Q. You claimed you were discharged?

A. Discharged on the what?

Q. Discharged from the "Nevada"?

A. I quit.

(Testimony of Leo Hermen.)

Q. I said when you talked to Mr. Lebus you claimed you were discharged, did you not? When you talked to Mr. Lebus you made out this statement and you claimed you were discharged? [1048]

A. Well, "discharged" and "quit" is the same thing, isn't it?

Q. You claimed you were fired?

A. I didn't claim I was fired.

Q. You are sure of that?

A. I am sure of that.

Q. Now you signed an affidavit, didn't you?

A. I believe I signed an affidavit.

Q. And you now state that you didn't claim that you were fired from the "Nevada"?

A. I never was fired from the "Nevada".

Q. I am asking you what you told Mr. Lebus?

A. I don't recall it.

Q. Well, this is important. You want a job, don't you? A. I don't recall it.

Q. What is that?

A. I don't recall what I said.

Q. You mean you don't want to recall?

A. I says, "I don't recall."

Q. Now isn't it a fact that you filed these charges through the N. M. U.?

Mr. Wright: That is the only place you can file them.

Q. (By Mr. Van Dusen) Isn't that right?

A. Yes.

Q. You didn't file them through the I. S. U.?

[1049]



(Testimony of Leo Hermen.)

A. No.

Q. Have you been an active member of the I. S. U.?      A. What?

Q. Are you an active member of the I. S. U.?

A. Yes, I am.

Q. Are your dues paid up?

A. No, not paid up.

Q. When did you last stop paying dues?

Mr. Wright: I object for the reason that the question is irrelevant and immaterial.

Mr. Van Dusen: No. I am trying to test out his membership.

Q. (By Mr. Van Dusen) When?

A. About eight months ago.

Q. Then you were not an active member of the I. S. U. when you filed your charges?

A. Why not? When you have your book and you are too far behind and you can't pay your debts up, you can't pay them.

Q. Are you pledged to the N. M. U. now?

A. What?

Q. Are you pledged to the N. M. U. now?

A. Explain yourself. I don't know what you are talking about.

Q. Well, you have decided to join the N. M. U.?

A. I will. I have intention to. [1050]

Q. When did you decide to join the N. M. U.?

A. After I seen what happened to Mr. Baldy.

Q. You decided when you were on the "Nevada", didn't you?      A. Yes.

(Testimony of Leo Hermen.)

Q. Did you talk to Mr. Buckless or Mr. Rosen about their cases?

A. I had conversations with them.

Q. They asked you to testify, didn't they?

A. They didn't ask me. I done it on my free will.

Q. How did you know they had charges filed?

A. When a man gets fired on a ship for union activity, why shouldn't he have a case against them?

Q. I said how did you know?

A. Oh, well, anybody could find that out.

Q. Oh, you went around finding out?

A. No, I didn't. Somebody told me.

Q. Who told you?

A. I don't recall his name.

Q. Your memory is very poor on some of these things, isn't it?

A. Oh, he is here somewhere. I heard it here in Port Arthur when I came back.

Q. You were friendly with Buckless and Rosen on board the ship? You were very friendly with Buckless and Rosen on board the ship? [1051]

A. I couldn't be friendly with Rosen, because he got fired at 12:00 o'clock or 1:00 o'clock. How could I be friendly?

Q. When were you on the ship for the first time?

A. Rosen was fired the same day I got on the ship. I came on the ship at 8:00 o'clock and Rosen was fired at twelve or one o'clock. I don't remem-

(Testimony of Leo Hermen.)

ber when he got fired. I was over the side painting.

Q. Had you known him before you went on the "Nevada"? A. Never laid eyes on him before.

Q. You just met him that one time?

A. Yes, sir.

Q. And then you met him again after you left the "Nevada", is that right?

A. Yes, I seen him here in Port Arthur.

Q. Are you on the N. M. U. list for a job?

A. No, sir, I don't belong to the union. You can't ship out of there unless you belong to the union.

Q. Do you go over there frequently?

A. Sometimes I go up there, yes.

Q. You are friendly with the boys over there, aren't you? A. Sir?

Q. I say you are friendly with the boys over there?

A. They don't stop me from going up there and seeing somebody if I want to.

Q. Do you know Mr. Zinkiewicz? [1052]

A. No, I don't. I don't know nobody by name.

Q. Did you tell Mr. Lebus that you quit the "Nevada" because of bad water? A. Yes.

Q. That is what you told him?

A. That I quit on account of bad water.

Q. You told him that was the only reason why you left the ship? A. Yes.

Q. That is all you told him? Are you sure of

(Testimony of Leo Hermen.)

that? A. That is all I recall.

Q. That is all you put in the affidavit?

A. I don't remember what I put in the affidavit.

Q. What is that?

A. I says, "I don't remember what I put in the affidavit." I don't remember what I put in it right now. You ask me questions and I give you the answer. That is what I said; on account of bad water, and that is what it is.

Q. Do you think you put anything else in the affidavit?

A. I don't know. I have to see the affidavit first.

Mr. Van Dusen: Does the Labor Board mind showing Mr. Hermen the affidavit?

Mr. Wright: We don't mind, but it is an awful waste of time.

Mr. Martin: We will be very glad to stipulate what he [1053] said in that affidavit.

Mr. Van Dusen: I just want to know what he said on that subject.

(Discussion off the record.)

Trial Examiner Myers: Well, we will recess now to a quarter to two.

(Thereupon, a recess was taken until 1:45 o'clock p. m.) [1054]

#### After Recess

(Whereupon, the hearing was resumed, pursuant to recess, at 1:45 o'clock p. m.)

Trial Examiner Myers: Proceed with your examination.

(Testimony of Leo Hermen.)

LEO HERMEN

resumed the stand and testified further as follows:

Cross Examination

(Continued)

Q. (By Mr. Van Dusen) Now, Mr. Hermen, you said that when you boarded the "Nevada" on April 19, you had a talk with Chief Mate Tranberg, is that correct? A. Yes, sir.

Q. On what part of the ship was that?

A. Amidships.

Q. Was anybody present, anybody there?

A. Yes, sir, the quartermaster.

Q. Who was the quartermaster?

A. Hart. I believe that is his name.

Q. Hart? A. George Hart, yes, sir.

Q. Anyone else?

A. No, sir, there was no one.

Q. No one else there? A. No, sir.

Q. You told him you were a member of the I. S. U., didn't you? [1055] A. Yes, sir, I did.

Q. And he said he didn't care whether you were a union man or not, didn't he? A. Yes.

Q. Was that all that happened at that particular time?

A. No. I went up to the mate, and I told him there was a little misunderstanding.

Q. What is that?

A. I told the mate there was a little misunderstanding between me and the crew.



(Testimony of Leo Hermen.)

Q. At that particular time?

A. At that particular time.

Q. Just when you had gotten on board?

A. No, before I got on board, when I talked to the mate there.

Q. How long had you been on board——

A. About twenty minutes before I went to the mate.

Q. Twenty minutes?           A. Yes, sir.

Q. And before you went to the mate you had a misunderstanding with the crew?           A. Yes, sir.

Q. With whom did you have the misunderstanding?           A. Baldy.

Q. Who? [1056]           A. Mr. Rosen, Baldy.

Q. He was leaving?

A. That was about 7:30 in the morning when that came up.

Q. When did he leave?

A. In the afternoon. He got fired.

Q. When you saw him in the morning did he tell you he was leaving that day?           A. No, sir.

Q. He did not?           A. No, sir.

Q. When did he first tell you that he was leaving?

A. He didn't tell me. I didn't know it until that afternoon.

Q. What was your misunderstanding with Baldy?

A. Because I was not a member of the N. M. U.

Q. Did he ask you for your card, book?

(Testimony of Leo Hermen.)

A. Yes, he asked me if I was a member of the N. M. U.

Q. What did you say?

A. I told him "no", that I was a member of the I. S. U.

Q. What did he say?

A. He said: "We would like to have all N. M. U. men on this ship."

Q. What did you say to that?

A. I didn't say nothing, myself.

Q. You didn't say anything? A. No, sir.

[1057]

Q. You then decided to go to the mate?

A. Yes, sir.

Q. Did you have a misunderstanding with anybody else? A. No, sir.

Trial Examiner Myers: Did you go to the mate, or did the mate come to you?

A. No, I went to the mate.

Q. You went to the mate? A. Yes, sir.

Q. Now, it was then that the mate told you he didn't care whether you were a union man or not?

A. Yes, sir.

Q. Well, what else did you say to the mate?

A. I just told him there was a misunderstanding between me and the crew about going to work, and he told me if I wanted the job to turn to with the boatswain; that he didn't give a damn if I was a union man or not.

Q. Did you leave then?

(Testimony of Leo Hermen.)

A. I went and turned to with the boatswain.

Q. That is all that was said?

A. That is all that was said at the present moment.

Q. Who was boatswain on that particular trip?

A. A fellow by the name of Swanson, the same name the captain had.

Q. He was your immediate superior? [1058]

A. He was boatswain on there.

Q. In charge of the A. B.'s?           A. Yes, sir.

Q. Now, I believe you said you saw the mate again somewhere between 12:00 and 1:00?

A. Yes, sir.

Q. Where did you see him then?

A. In the gangway.

Q. At the gangway?           A. Yes, sir.

Q. How did you happen to see him there? Did you go for him?           A. I went there to telephone.

Q. How is that?

A. I went there to telephone.

Q. You went there to telephone?

A. Yes, sir.

Q. So just as you were going through? Was it just as you were going or coming back?

A. No, coming back.

Q. When you were coming back?

A. Yes, sir.

Q. Did you speak to the mate first?

A. No, the mate called me over there as I went by.

(Testimony of Leo Hermen.)

Q. He called you over? [1059] A. Yes, sir.

Q. Who was present? A. Just the mate.

Q. Anyone else? A. No, sir.

Q. Anyone nearby? A. I don't know, sir.

Q. What?

A. I don't remember. I don't think there was anybody nearby.

Q. What did he say?

A. He asked me who I had talked with this morning in the forecastle.

Q. What?

A. He asked me who I was talking to in the morning about being a member of the union.

Q. What did you tell him?

A. I told him I was not ratting. That is all.

Q. You were not what?

A. I was not ratting. He asked me who was the fellow that asked me in the forecastle about my union card, and I told him I was not ratting, that was all.

Q. So you wouldn't tell him?

A. I wouldn't tell him, no.

Q. Was that all that was said? [1060]

A. No. He told me: "I know who was the cause of it. It was Baldy." So then he told me Baldy was a good union man, but let union go to his head.

Q. Was that all he said?

A. That is all I can remember.

Q. Had you seen Baldy between early morning and this time? A. No, sir.

(Testimony of Leo Hermen.)

Q. Hadn't seen him at all? A. No, sir.

Q. Didn't know whether he was on the ship or not? A. He was on the ship.

Q. Did you see him leave?

A. I didn't see him leave, no.

Q. Didn't speak to him again?

A. I didn't speak to him, no, sir.

Q. Did you see Mr. Buckless on the ship?

A. No, sir.

Q. Did you know him then? A. No, sir.

Q. You know him now? A. Yes, sir.

Q. Met him through Mr. Rosen?

A. Yes, sir.

Q. When did you meet him the first time?

A. After I came from New Orleans; after I got the ship. [1061]

Q. After you got the ship? A. Yes, sir.

Q. Now, I think you said that the mate said something to you about Buckless. Was that the same time?

A. No, sir. That was at New Haven.

Q. Where? A. New Haven.

Q. About when was that?

A. About nine days later.

Q. About nine days later? A. Yes, sir.

Q. Had you been to speak to the mate at that time?

A. When cleaning tanks I just asked him why he fired Baldy. Well, he first told me he fired Baldy for union activities; and then he said you can't fire



(Testimony of Leo Hermen.)

a man for union activity; and he found another reason for it.

Q. But you asked him about Baldy, why he had fired Baldy?

A. Yes, sir, I asked him about it. [1062]

Q. Well, you hadn't known Baldy prior to that trip, had you?

A. No, I hadn't known him only the day I came on board.

Q. Yet you were interested in knowing why he was fired?      A. Sure.

Q. Did you ask him about Buckless?

A. No. He brought that conversation up himself.

Q. What did he say?

A. He said Buckless was a good man, but he let union go to his head; he was fired for union activity, but that is not the reason the captain gave.

Q. Now was anybody present at the time you had that talk with the mate?

A. No, sir. There was some man working on the shore, but he was too far away to hear the conversation.

Q. No one from the ship was there?

A. No, sir. They were on deck working, but they didn't hear the conversation.

Q. I see. Now, by the way, are you a member of the rank and file of the I. S. U.?

A. I am a member of the I. S. U.

(Testimony of Leo Hermen.)

Q. I mean the rank and file group that broke away from the I. S. U. Do you know what the rank and file group is? A. No, sir.

Q. You don't know what it is?

A. I belong to the I. S. U. [1063]

Q. You know what the rank and file is, the group that broke away from the I. S. U.? A. Yes.

Q. Were you a member of that group?

A. I couldn't be.

Q. Still with the I. S. U.?

A. I couldn't be.

Q. You said you had not paid any dues for eight months?

A. You are still a member, regardless.

Q. Are you a member of the rank and file group that broke away from the I. S. U.?

A. The way you put it, I couldn't be a member, if I hadn't paid up the dues.

Q. Do you know what the rank and file is?

A. No.

Q. Never heard of it?

A. Yes, I have heard of it.

Q. Have no idea what it is?

A. No, I don't know.

Q. No idea at all? A. No.

Q. You were not very much interested in the I. S. U., were you?

A. To a certain extent I was, yes.

Q. You don't pay dues, and don't know what the rank and file [1064] is?

(Testimony of Leo Hermen.)

A. I have been out of work for a long time. I haven't got the money to pay for it.

Q. You were more interested in joining the N. M. U., weren't you?

A. No, not until I found out Rosen got fired for union activity.

Q. Then you wanted to join the N. M. U., is that it?      A. Yes, sir.

Q. Why?

A. Because I got fired too many times myself for the same reason.

Q. You just sympathized with him then. You mean you had been fired for union activity?

A. Not exactly fired. The mate told me I was discharged, that is all. That is all the reason they gave me.

Q. You thought it was for union activity?

A. Sure.

Q. When were you fired for union activity?

A. They told me my services were no longer required.

Q. When did they tell you your services were no longer required?      A. About four years ago.

Q. By whom?

A. By the captain on the "Gulfpride". [1065]

Q. The "Gulfpride"?      A. Yes, sir.

Q. Gulf boat?      A. Gulf boat.

Q. About four years ago?

A. About four years ago.

Q. How many years?

(Testimony of Leo Hermen.)

A. About four years ago.

Q. Were you active in union activities at that time?

A. Well, we were discussing bad eats. There were bad eats on there, and the mattresses.

Q. And what did you do about that?

A. We just went up to the mate, and the captain asked him if we couldn't get better eats and better mattresses on the boat.

Q. And what did he do?

A. He didn't do nothing. He told me I might as well pack up and go ashore.

Q. You think it was because you made that complaint?      A. Sure.

Q. Were you ever fired before for union activities?

A. No, not that I know of; not fired, no, just discharged, that is all.

Q. So far as you were concerned, Tranberg told you it was all right for you to stay there? [1066]

A. Yes, he told me it was all right for me to stay there.

Q. Now you say that after you left the "Nevada" at New Orleans because you were sick you then registered at the Seamen's Institute?

A. Yes, sir.

Q. At Port Arthur?      A. Yes, sir.

Q. How long were you at New Orleans? Did you go to the hospital?      A. No, sir.

Q. How long were you there?

(Testimony of Leo Hermen.)

A. Until 9:00 o'clock that night.

Q. I believe you went to Port Arthur?

A. Yes, sir.

Q. You left the "Nevada" at New Orleans about May 21?

A. Yes, sir.

Q. About May 21?

A. Yes, sir.

Q. I believe you testified when Mr. Wright was examining you that about May 22 or shortly thereafter you and some others prepared a petition?

A. Yes, sir.

Q. How long after you left the ship was that prepared?

A. About June 21, I believe.

Q. When was that? [1067]

A. About June 21.

Q. About a month later?

A. About a month, yes, sir.

Q. Whose idea was the petition; was it your idea?

A. It was the idea of the non-union men, the union men, the I. S. U. men and the N. M. U. men.

Q. Who started the idea?

A. Well, there was a lot of talk around there. Who started it, I don't know.

Q. Around where?

A. About Mr. Watt Meyers.

Q. Where was the talk?

A. In the Institute.

Q. Over at the Institute?

A. Yes, sir.

Q. Talking while they were over there?

A. Yes, sir.



(Testimony of Leo Hermen.)

Q. Non-union men? A. Yes, sir.

Q. I. S. U. men? A. Yes, sir.

Q. N. M. U. men A. Yes, sir.

Q. All talking about it?

A. Yes, sir. [1068]

Q. Who suggested a petition?

A. I believe I did.

Q. You did? A. Yes, sir.

Q. Did you draft it?

A. No. Mr. Buckless wrote it up.

Q. Mr. Buckless? A. Yes, sir.

Q. Mr. Rosen helped him? A. Yes, sir.

Q. Where was it prepared, over at the N. M. U. Hall? A. Yes, sir.

Q. Did other I. S. U. men sign it in addition to you?

A. A lot of the I. S. U. men signed it.

Q. How many?

A. I don't remember how many signed it.

Q. What is that?

A. I didn't ask them at the time they signed it what they were.

Q. There were some of them?

A. There were some of them, yes, sir.

Q. There were some non-union men?

A. Yes, sir.

Q. Men that were N. M. U. men, is that so?

A. Yes, sir. [1069]

Q. How many?

A. Well, it was about 50-50.

(Testimony of Leo Hermen.)

Q. What is that?

A. It was about 50-50.

Q. And you complained about The Texas Company hiring men through the Seamen's Institute?

A. Yes, sir.

Q. You were always able to get a job through the Seamen's Institute, weren't you?

A. Well, yes, sir, before.

Q. Well, you had only been out a month, hadn't you?

A. Yes, sir, but they shipped men from behind me.

Q. Were there not a lot of men on the beach?

A. Yes, there were a lot of men on the beach.

Q. You didn't expect to be hired right away?

A. No, but there were other people shipping out, and we were on top of the list and not being shipped out.

Q. You told me this morning that Mr. Meyer had his own list?

A. Yes, sir.

Q. Isn't it possible that these men were ahead of these other men on the Seamen's list?

A. It could be possible.

Q. You don't know who was first on Mr. Meyer's list, do you?

A. No.

Q. He was the man that was responsible for getting these [1070] men for the ships, wasn't he?

A. Yes, but during the strike he would come up to anybody's house and ask if somebody would take the job.

(Testimony of Leo Hermen.)

Q. All right, that was his job, wasn't it?

A. Yes, sir.

Q. How many men signed that petition?

A. I believe there was around twenty-five or thirty, if not more.

Q. Twenty-five or thirty, or more?

A. Yes, sir.

Q. Now did Rosen and Buckless ask you to take it to Mr. Hand?

A. No. I said I was going to take it up there myself.

Q. You said you were going to take it up there yourself?

A. Yes, sir.

Q. When did you take it to Mr. Hand?

A. That same day. No, about a week after it was drawn up.

Q. And was that in July?

A. In July.

Q. Do you know the exact day?

A. No, I don't remember.

Q. Where did you deliver it to him?

A. I delivered—I went to his house three or four times, with four or five fellows in the car, and he was not home. So that night I went out with my wife, and came back and I seen [1071] Mr. Hand drive into his garage, and therefore I took opportunity of going in and seeing him.

Q. Where does he live?

A. I believe either the 1100 or 1300 block Procter Street; 1100 or 1300 block, one of the two.

Q. What time of day was it?

(Testimony of Leo Hermen.)

A. The time we went there was on a Sunday, about 9:00 o'clock in the morning; and then we went there in the afternoon again, about 2:00 o'clock; and then about 3:00 o'clock, and 5:00 o'clock; and it was Monday when I seen him. I believe it was the next day we went down there again, and that night I seen Mr. Hand.

Q. What time was it?

A. I believe around six or seven o'clock.

Q. Your wife was with you? A. Yes, sir.

Q. Now you say you showed a copy to Mr. Meyer? A. No, sir.

Q. You didn't say that? A. No, sir.

Q. You mailed a copy to Mr. Roney?

A. I didn't mail it.

Q. You didn't mail it? A. No, sir.

Q. Did Mr. Hand read it when you handed it to him? [1072] A. Yes, sir.

Q. What did he say?

A. He said it was my privilege to send Mr. Roney anything I wanted to.

Q. Was that all he said?

A. I believe that is all he responded at that time.

Q. Was there any other time?

A. Yes, sir, there was another time.

Q. When was that?

A. After I seen Mr. Meyer I asked him why he wouldn't ship me.

Q. How long after that, the first talk with Mr.

(Testimony of Leo Hermen.)

Hand, how long after that was that?

A. I believe about a week after that.

Q. Where did you see Mr. Meyer?

A. On the gate, Texas gate.

Q. Over at the gate? A. Yes, sir.

Q. And you handed him a copy?

A. No, sir.

Q. Just talked to him about it?

A. No, sir; just asked him why he wouldn't ship me out, after being the first one on the list.

Q. First on the Seamen's Institute list?

A. Yes, sir, on the Texas list; not the Seamen's Institute [1073] list.

Q. What did Mr. Meyer say?

A. Mr. Meyer told me to go and see Mr. Hand; that he had orders from Mr. Hand and from Mr. Roney not to ship me because I had brought that petition down there. He says: "He can ship from where he damn pleases. He doesn't have to ship from the Institute."

Q. What did you say to that?

A. I just told him he shipped out about twenty men, and that he had been skipping everybody in the Institute that was on top of the list; and he told me it was his business what he does; he doesn't have to ship from the Institute.

Q. Now did you see Meyer again after that?

A. I seen Mr. Hand next.

Q. Where did you see him?

A. At his house.



(Testimony of Leo Hermen.)

Q. At his house again? A. Yes, sir.

Q. When was that?

A. Oh, after he had talked with Mr. Meyer.

Q. After he had talked with Mr. Meyer?

A. Yes, sir.

Q. About when was that, do you know?

A. The same day.

Q. The same day? A. Yes, sir. [1074]

Q. What time of day was that?

A. In the afternoon.

Q. In the afternoon?

A. 4:00 or 5:00 or 6:00.

Q. At his home? A. I saw him, yes, sir.

Q. Was that in July?

A. I believe that was in July.

Q. What? A. I believe that was in July.

Q. You don't know what day?

A. I don't know.

Q. Near the 4th of July?

A. No, it was not the 4th of July.

Q. Latter part of July?

A. Somewhere around there.

Q. Between the middle and the latter part?

A. I don't remember the date.

Q. Now you never put your name on the open list over there, did you? A. Not that I recall.

Q. Now I think you said you saw Meyer again, and that he told you that he had orders that the

(Testimony of Leo Hermen.)

captain said that they didn't want you. Did he say what captain?

A. Yes, sir, he said the captain on the "Nevada". [1075]

Q. Did he say why?

A. No, he didn't give me any reason.

Q. You got along with the captain, didn't you?

A. Yes, sir, I got along.

Q. He never told you he didn't want you, did he?

A. No, sir.

Q. You were a good A. B. seaman?

A. So far I have been good.

Q. Attended to your duties on board?

A. Yes, sir.

Q. All that happened to you on the ship, you got sick?

A. Yes, sir.

Q. Is that all?

A. Yes, sir.

Q. Do you know any reason why the captain wouldn't want you?

A. No, I don't know any reason, unless it is because I gave that statement to Baldy.

Q. Did the captain see that statement?

A. I don't know, sir.

Q. You don't know that he saw it, do you?

A. No, sir.

Q. Had you ever had any talks with the captain?

A. No, sir, not until I got paid off.

Q. I mean Captain Swanson, did you ever see him on deck? [1076]

(Testimony of Leo Hermen.)

A. Yes, I seen him on deck every day. He works like everybody else.

Q. You didn't talk to him though?

A. No. The crew don't talk to the captain.

Q. You got along with the mate, didn't you, Tranberg?      A. Yes, sir.

Q. He thought you were a good A. B., didn't he?

A. Yes, sir.

Q. Now I think you said that you were on the list over there last Monday, and you missed a call?

A. Yes, sir.

Q. Did they try to get in touch with you?

A. No, sir. I was not in town.

Q. You were not in town?      A. No, sir.

Q. Then they did want to get you last Monday, didn't they?

A. No, sir, they didn't want to get me.

Q. What did you mean when you said you lost a call?

A. You have to answer roll call every Monday. If you don't, you go to the bottom of the list.

Q. Well, maybe they had a job for you last Monday.

A. My wife was at the house, and we have got a telephone across the street.

Q. Who told you they called your name?

A. There was nobody called my name. [1077]

Q. You said they called you.

A. I didn't say they called me. I said if they would have called me.

(Testimony of Leo Hermen.)

Q. You don't know whether they called you or not?

A. If they would have called me my wife would have told me.

Q. You don't know whether they called your name over at the Institute or not?

A. Oh, yes, I would.

Q. Well, did he?           A. He did not.

Q. What do you mean when you say you missed a call?

A. I missed answering the roll call. You have to go there every Monday and answer roll call. If you don't, you go to the bottom of the list.

Q. Did you go to the bottom of the list?

A. Yes, sir.

Q. That was because you missed a roll call?

A. That is right.

Q. That was not the fault of Mr. Meyer, was it?

A. No, that was not the fault of Mr. Meyer.

Q. It was not the fault of Dave over at the Institute, was it?           A. No.

Q. Now did you ever miss any other roll call?

A. No, sir. [1078]

Q. You are at the bottom of the list now?

A. I am at the bottom of the list now.

Q. How many are there ahead of you now?

A. Somewhere around 75 or 80. That list won't come out until tomorrow.

Q. About 75 A. B.'s?

A. A. B.'s and ordinaries.

(Testimony of Leo Hermen.)

Q. You take an A. B. job, don't you?

A. Yes.

Q. How many A. B.'s?

A. The list won't come out until Tuesday. I will have to go down there and see first.

Q. You don't know whether you are on Mr. Meyer's list that he keeps?

A. No. I am positive I am not on Mr. Meyer's list.

Q. Did you see the list?

A. No, but after he told me if it was up to him he wouldn't ship me at all I am positive I am not on his list.

Q. But you haven't seen the list?

A. No. He wouldn't show me the list.

Q. You are over at the Institute quite often, aren't you?      A. Yes, sir.

Q. Do they ship any N. M. U. men on Texas ships from the Institute?

A. They do, but they have to be registered in the Seamen's [1079] Institute.

Q. They have been shipping men, haven't they?

A. Yes, sir.

Q. N. M. U. men?

A. Yes, sir, a few of them.

Q. N. M. U. men?      A. Yes, sir.

Q. They have been shipping N. M. U. men on Texas ships?      A. Yes, sir.

Q. Do you know any in particular?

A. No, not by names. I know them by faces.



(Testimony of Leo Hermen.)

Q. Do you know any of them?

A. Yes, I do. I remember a couple of fellows' names; a fellow by the name of Robert Clark. He was on the "Nevada".

Q. When was he shipped?

A. Some time ago. Mr. Hart was shipped, the quartermaster; and White was shipped, and Hillside was shipped.

Q. They are all N. M. U. men?

A. Yes, sir.

Q. Do you know any I. S. U. men that were shipped?      A. No, sir.

Q. Now while you were on the "Nevada" from April 19 to about May 21, were there any union activities on board, did you notice?

A. No, sir. [1080]

Q. None at all?      A. No, sir.

Q. No meetings?

A. Not that I remember. If there was, I don't recall any.

Q. You were not invited to attend any meetings, were you?      A. No, sir.

Q. Any notices posted?

A. Not that I remember.

Q. No circulars distributed?      A. No, sir.

Q. While you were there were there any grievances they had to present to the captain?

A. No, sir.

Q. None at all?      A. No, sir.

Q. Did you or any of the members of the crew

(Testimony of Leo Hermen.)

ever go to the captain or the chief mate in regard to a complaint of any sort?

A. The only complaint was made on account of the water before we got into New Orleans, when I was sick. [1081]

Q. Did you go up to the mate?

A. I went up to the captain.

Q. You went up to the captain?

A. Yes, sir.

Q. What did you tell him?

A. I told him I was sick, and he gave me some medicine.

Q. Did anybody else go up with you?

A. Well, as I recall, about three or four months before the whole crew got sick on account of the same water. They went to the hospital, and a fellow pretty near died on it.

Q. On this trip did anybody go with you?

A. Yes, sir, the ordinary seaman.

Q. Do you know his name?

A. No. All I know, they call him Dutch.

Q. Was he a Union member?           A. No, sir.

Q. Was he non-union?

A. Non-union; first trip.

Q. Anybody else get sick when you got sick?

A. There were two or three fellows that complained about the water, and they had stomach aches.

Q. Who complained?

A. White complained and Hillside.

(Testimony of Leo Hermen.)

Q. Were they N. M. U. members?

A. Yes, sir. [1082]

Q. Did they complain to the captain or who?

A. No, they told me they were sick the same day I was.

Q. Did they get medicine?

A. No, sir, they didn't get medicine. They were not as bad sick as I was.

Q. Did you tell the captain that others were sick?

A. That ordinary seaman went up there and told him about it.

Q. Did you tell him White and this other fellow were sick?      A. Yes, sir.

Q. Any other complaint while you were on there?      A. Not that I recall.

Q. Not that you know of?      A. No, sir.

Q. And now how many separate trips did you have while you were on the "Nevada;" how many times were you in here at Port Arthur?

A. Since——

Q. You started on April 19, and you left New Orleans May 21. How many separate trips did you have in there?      A. Just one trip.

Q. Where did you go when you left Port Arthur April 19th?      A. We went to New Haven.

Q. I believe you came back——

A. No, sir, we went on dry dock.

Q. And you stayed out how long? [1083]

A. About twelve or thirteen days.

(Testimony of Leo Hermen.)

Q. I believe you came back——

A. To New Orleans.

Q. To New Orleans?           A. Yes, sir.

Q. Now, is White still on that boat?

A. No, sir. He got off in New Orleans.

Q. Did he get off with you?           A. Yes, sir.

Q. Voluntarily?           A. Yes, sir.

Q. Of his own accord?           A. Yes, sir.

Q. Was not fired?           A. No, sir.

Q. This other man, what was this other man's name?           A. Hillside.

Q. Where did he get off?

A. New Orleans.

Q. He got off of his own accord too?

A. Yes, sir.

Q. He was not fired?           A. No, sir.

Q. Did he get off because he was ill?

A. Because he was sick? [1084]

Q. Because he was sick.

A. I don't know.

Q. You don't know?           A. No, sir.

Q. Have either of these men been shipped again?

A. They have all been shipped except me.

Q. What ship is White on?

A. I don't know, but they are on Texas Company ships. I believe Hillside is on the "Pennsylvania," I believe.

Q. On the "Pennsylvania?"

A. Yes, sir. And Clark, I believe, is on the, or

(Testimony of Leo Hermen.)

was on the "Roanoke."

Q. What?

A. I don't remember what ship.

Q. Did they sign that petition, either one of those men sign that petition you drafted?

A. I don't know whether they have signed the petition or not. If they did, it would be on the petition.

Q. Could you tell by looking on the petition?

A. I could.

Mr. Van Dusen: Mr. Wright, would you mind showing the witness the petition to refresh his recollection as to whether Mr. White or Mr. Hillside signed it.

(Mr. Wright handed the document to the witness.)

A. If their names are not there, they must have shipped out before. [1085]

Q. Do you see any other N. M. U. men on that petition?

A. There are quite a number of N. M. U. men.

Q. Can you name a few?

A. No, I can't call them by name, because they all have nicknames. I didn't ask their names.

Q. You mean you just saw them?

A. I didn't know Rosen's last name until I came back here. I only knew him by "Baldy." I only know the fellows by nicknames.

Q. I see. Do you know whether any men were fired from the "Nevada" when it got into Port



(Testimony of Leo Hermen.)

Arthur on that trip you were taking?

A. I didn't come into Port Arthur.

Q. Do you know whether any men were fired?

A. I don't know. I left in New Orleans.

Q. You went to Port Arthur?

A. I didn't go to Port Arthur.

Q. From New Orleans, you did.

A. I went on the bus.

Q. When you got back to Port Arthur, did you inquire as to any men that were on board?

A. Yes. No, there was not anybody fired that I know of.

Q. I see. Now, when you prepared this petition, or assisted in preparing it, you were doing that chiefly to help the N. M. U. men, weren't you?

[1086]

A. No, sir, I was doing it to help myself and other people that couldn't ship out of the Seamen's Institute.

Q. Were you doing it to help White and Hillside?

A. No, they—everybody around there that has been sitting there, not getting a job, not getting a ship out, because Mr. Meyers has been shipping them all. He has not shipped the fellows up on top of the list.

Q. White got shipped out? A. Yes.

Q. Wasn't he at the top of the list?

A. No. He was two behind me.

Q. He is an N. M. U. man? A. Yes, sir.

(Testimony of Leo Hermen.)

Q. How about Hillside, was he ahead of you?

A. No, he was behind me.

Q. He was behind you, too?

A. Yes, sir. He got shipped out, too.

Q. When were they shipped out, do you remember?      A. I don't recall the day.

Q. Well, was it a month ago?

A. About a month ago, or five weeks ago.

Q. A month or five weeks ago?

A. Yes, sir. [1087]

Q. You think if you had not signed that petition you would have been shipped out on Texas ships?      A. I am sure of that.

Q. You are sure of that?

A. Yes, sir; because Mr. Meyer told me it was on account of the petition that he got orders from Mr. Hand and Roney not to ship me.

Q. Do you know whether any of the men who signed that petition have been shipped?

A. I believe they have, because I can't see their faces.

Q. Some of them have?      A. Yes, sir.

Q. Some of the N. M. U. men?

A. I believe so.

Q. You don't like Mr. Meyer very much?

A. There ain't no love lost between me and him.

Q. How about Mr. Hand?

A. Well, after what he said, I don't think I would like him.

Q. But you like The Texas Company ships?

(Testimony of Leo Hermen.)

A. Yes, sir.

Mr. Van Dusen: I think that is all.

Trial Examiner Myers: Any redirect examination?

Mr. Wright: Yes, sir. [1088]

Redirect Examination

Q. (By Mr. Wright) Mr. Hermen, how long have you been to school?

A. Three months all my life.

Q. Three months all your life? A. Yes, sir.

Q. Before we recessed here for the noon hour did you know that there was a distinction and difference between the word charge and a lawsuit?

A. No, sir, I didn't.

Q. Do you now know that there is a difference?

A. Yes, sir, I do.

Q. Where did you find out the difference?

A. I found it out from you.

Q. Now, after you got off the "Nevada" did you think you had a lawsuit? A. Yes, sir, I did.

Q. Because of the drinking water you got on board the ship? A. Yes, sir.

Q. Did you go to see a lawyer?

A. I went to see a lawyer, yes, sir.

Q. Did you go to see any lawyer from Mandell & Combs' office, that I represent?

A. No, sir.

Q. Who did you go to see? [1089]

A. A fellow by the name of Watson.

Q. Who?

(Testimony of Leo Hermen.)

A. A fellow by the name of Watson, Alton Watson.

Q. Who told you to go see him?

A. I looked him up in the telephone. I had word with him about three days, and the only reason he told me I didn't have a case, I didn't have \$25.00 to pay for an analysis.

Q. What was that?

A. Because I didn't have \$25.00 to pay for a water analysis.

Q. Do you remember which building, Mr. Watson is in?

A. Yes, sir, Adams Building, second floor.

Q. Now, have you also talked to anybody connected with the National Labor Relations Board?

A. Yes, sir.

Q. Where did you talk with him?

A. I talked with Mr. Rosen and Mr. Ames at the N. M. U.

Q. Did you also go to the Goodhue Hotel?

A. Yes.

Q. Did you talk to a man from the National Labor Relations Board there in the hotel?

A. Yes, sir.

Q. Did you sign an affidavit for him?

A. Yes, sir.

Q. How long was it after you got off the "Nevada" you went up to the Goodhue Hotel to see this man? [1090]

(Testimony of Leo Hermen.)

A. About three or four days after I came back from New Orleans.

Q. From New Orleans?

A. Yes, sir; I think around the twenty-fifth.

Q. Who asked you to go see this man in the Goodhue Hotel?      A. Mr. Rosen.

Q. Did he go up with you?      A. Yes, sir.

Q. And you stayed up there in the Goodhue Hotel with Mr. Rosen and talked to this man?

A. Yes, sir.

Q. Do you remember the name of the man?

A. I would remember it if I heard it.

Q. Was it Lebus?      A. Lebus.

Q. Now, during the time when you talked to Mr. Lebus in the hotel did you sign an affidavit at the conclusion of your talk with him, after you got through talking with him, after you got all your statements made, did you sign an affidavit?

A. Yes, sir.

Q. Does that affidavit say substantially what you told Mr. Lebus at that time?      A. Yes, sir.

Q. Did he undertake to write out what you said?

A. Yes, sir. [1091]

Q. And you signed it after reading it over?

A. Yes, sir.

Mr. Pipkin: Mr. Examiner, the affidavit would be the best evidence of whether it contained what he said.

Mr. Wright: We will connect it up.

Mr. Pipkin: Move that it be stricken until it is connected up.



(Testimony of Leo Hermen.)

Trial Examiner Myers: They are going to put it in. What is the use going a roundabout way? Are you going to put the affidavit in?

Mr. Wright: No, sir, we don't plan to.

Mr. Pipkin: I insist on my motion.

Mr. Wright: I will connect it up.

Trial Examiner Myers: Why are you handing the witness a piece of paper if you don't intend to put it in evidence?

Mr. Wright: Mr. Examiner, this purports to be an affidavit this man executed. There are statements made in here about which this man has testified. We do not propose to put this in evidence and allow the attorney for the respondent to cross examine on the basis of it.

Trial Examiner Myers: As soon as you give this paper to the witness the attorney for the company has got the right to examine it, and has got the right to cross examine the witness on it. If you want to keep the paper out, you should not hand it to the witness. [1092]

Mr. Wright: You mean he cannot consult it for the purpose of refreshing his recollection?

Trial Examiner Myers: Yes, but if he examines it then counsel has the right to cross examine the witness about the paper. If he takes the paper in order to refresh his recollection, counsel has a right to cross examine with reference to it. What are you going to do about it?

Q. (By Mr. Wright) Mr. Hermen, during the

(Testimony of Leo Hermen.)

course of your conversation with Mr. Lebus, did you tell Mr. Lebus you were fired off the "Nevada"?

A. No, sir.

Q. Did you tell Mr. Lebus why you got off the "Nevada"?

A. I told him on account of the water.

Q. Did you tell him you got off of your own free will?

A. Because I was sick and had to get off, and had to see a doctor.

Q. Now, when you signed the affidavit did you read it?

A. Yes, sir, I read it.

Q. Do you remember whether or not there is anything said in that affidavit——

Trial Examiner Myers: Can you read?

A. Yes, sir.

Q. Can you read the English language?

A. Yes, sir.

Q. And you only went to school three months?

[1093]

A. Yes, sir.

Q. How old are you?

A. I am thirty-three.

Q. And you only went to school for three months?

A. That is all. [1094]

Q. You can read? A. Yes, sir.

Trial Examiner Myers: Proceed then.

Q. (By Mr. Martin) When you read that piece of paper do you remember whether or not there was anything in it about your having been fired off

(Testimony of Leo Hermen.)

the "Nevada"?

Mr. Van Dusen: Just a minute. He is asking this witness what is in the paper. I submit the affidavit is the best evidence, and I object to the question, unless he intends putting in the affidavit.

Trial Examiner Myers: I will sustain the objection.

Q. (By Mr. Wright) Were you under oath at the time the affidavit was executed?

A. Was I what?

Q. Did he swear you when you executed it?

A. Yes, sir.

Q. Mr. Hermen, have you ever talked with Mr. Ames and Mr. Rosen with respect to the affidavit you made for Mr. Lebus up in the hotel?

A. Yes, sir.

Q. Was any discussion ever had among the three of you about filing charge for you with the National Labor Relations Board?

A. Yes, there was a discussion made about it.

Q. You were on the "Nevada", Mr. Hermen, after Mr. Buckless and Mr. Rosen got off, is that right? [1095]

A. Yes, sir.

Q. Would you say that there was a considerable amount of union activity on the ship when you got on her?

A. No, sir.

Q. And after the ship sailed out?

A. No, sir.

Q. You have been on ships where there was union activity?

A. Yes, sir.

(Testimony of Leo Hermen.)

Q. Would you say there was a small amount?

A. There was none at all.

Q. Union activity?

A. There was none at all.

Q. None at all after you got on? A. No, sir.

Q. There was before Mr. Buckless and Mr. Rosen got off the ship in Port Arthur?

A. Yes, sir.

Q. You have now decided to join the N. M. U.

A. Yes, sir.

Q. Is that your testimony? A. Yes, sir.

Q. And that is of your own free will and accord?

A. That is of my own free will.

Mr. Martin: Mark that, please, Mr. Reporter.

(Thereupon the document above referred to was marked as "Board's Exhibit No. 10" for identifica- [1096] tion.)

Q. (By Mr. Wright) Mr. Hermen, I hand you instrument that has been marked Board's Exhibit 10, and ask you whether or not this is a copy of the affidavit that you executed in front of Mr. Lebus when you met him in the Goodhue Hotel on the occasion when Mr. Rosen went up there with you?

A. Yes, I signed that.

Mr. Wright: Mr. Examiner, we offer in evidence the instrument, as identified and marked as Board's Exhibit 10 for identification, as Board's Exhibit 10.

Trial Examiner Myers: Any objection?

Mr. Van Dusen: May I look at it?

(Testimony of Leo Hermen.)

Trial Examiner Myers: Sure. You have a copy.

Mr. Van Dusen: Yes, sir, I have a copy. No objection.

Trial Examiner Myers: There being no objection, I ask the reporter to please mark Board's Exhibit 10 for identification in evidence as Board's Exhibit No. 10.

(The document heretofore marked "Board's Exhibit No. 10" for identification, was received in evidence.)

BOARD'S EXHIBIT No. 10

Texas Company

Leo Herman

1439 Houston Avenue

Port Arthur, Texas

Bx 10

Phone 2530 (across street)

State of Texas,  
County of Jefferson.

To whom it may concern:

I, Leo Herman, reside at 1439 Houston Avenue, Port Arthur, Texas, have been an employee of the Texas Company, as follows:

(1) I was employed on or about June 1, 1924 to work on the SS Franklin steamship, and worked until on or about August 30, 1924.

(2) I was employed on or about July 1, 1935, to work on the SS Alabama steamship,



(Testimony of Leo Hermen.)

and worked for one trip, until about July 15, 1935, when I was left behind when the boat left port.

(3) I was employed on or about August 19, 1937 to work on the SS New Jersey steamship, and I worked until about March 12, 1938, when I quit.

(4) I was employed on or about May 28, 1937, to work on the SS Dingannan, classified as an able bodied seaman, and I worked until July 8, 1937, resigned by request from Mate, because of difference concerning working schedule.

(5) I was employed again on or about April 19, 1938 to work on the SS Nevada, and was classified as an able bodied seaman, and worked until on or about May 21, 1938, at which date I quit because of illness. I became ill while on ship due to the poison drinking water.

I joined the International Seamans' Union in 1923, and have been a member of this organization on and off since that date.

When I went on board of the SS Nevada "Baldy" (Gorden Rosen) asked me if I was a member of the NMU. I told him that I belonged to the ISU. At about 8:00 A. M., twenty minutes after my conversation with "Baldy", I talked with the Mate, Carl Tranberg, at which time the following conversation transpired:

(Testimony of Leo Herman.)

Herman—There seems to be a little misunderstanding with me and the crew about not being a member of the NMU.

Mate (Tranberg)—If you want a job, go and turn to with the Boatswain, as far as the union is concerned I don't give a godamn, them guys think because they belong to the union they run the ships but they don't run the ships around here.

At about 12:05 noon on April 19, 1938, the Mate approached me and the following conversation transpired:

Mate (Tranberg)—The union is no good, it used to be alright but they got a bunch of puncks in it—(he ran down the union otherwise also).

Herman—I'm a member of the ISU.

Mate—Who was the fellow that asked you about having a union book?

Herman—I'm not a rat.

Mate—I know who asked you—it's Baldy (Rosen)—Baldy was a good man, but he let the union go to his head—that Boatswain (Buckless) was another good man but he let the union go to his head—every damn time a man came aboard he asked him if he had a union book—as far as I'm concerned I'd rather not have a union man on here anyway—the Boatswain got

(Testimony of Leo Herman.)

fired for union activity but the "Skipper" (Captain) found a reason of his own.

On or about April 29, 1938, the Mate and I conversed again and the following transpired:

Herman—Why did you fire "Baldy", you didn't fire him on account of me?

Mate—I fired him (Baldy) on account of union activity but I didn't tell him, because you can't fire a man on ship on account of union activity. I gave him another reason for it.

Herman—If I'd known that I wouldn't have taken the job, because I've got fired myself on account of union activity on other jobs.

LEO HERMAN

1439 Houston Avenue

Port Arthur, Texas

Subscribed and sworn to before me this 25th day of May, 1938, at Port Arthur, Texas.

JOHN F. LEBUS,

Field Examiner, National Labor Relations Board,  
Sixteenth Regional Office, Fort Worth, Texas.

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Mr. Wright: That is all.

Trial Examiner Myers: Any recross, Mr. Van Dusen?

Mr. Van Dusen: Yes, sir.

Recross Examination

Q. (By Mr. Van Dusen) Mr. Herman, at the

(Testimony of Leo Hermen.)

time you talked to Mr. Lebus, did he tell you that he was filing charge against [1097] The Texas Company for violating the Labor Act?

Trial Examiner Myers: I think you have got the thing a little twisted, haven't you? Mr. Lebus represents the Board. The Board doesn't file charges.

Q. (By Mr. Van Dusen) What did Mr. Lebus say to you? A. I don't recall what he said.

Q. You don't recall what he said?

A. No, sir.

Q. On this "Nevada" was a man named Lee Holmes, do you remember?

A. No, I wouldn't know. If he had a nickname on there——

Q. An A. B. Do you remember him?

A. No. There was Hillside—No, I don't remember him.

Mr. Van Dusen: All right, that is all.

Trial Examiner Myers: Is that all? You are excused.

(Witness excused.)

Mr. Martin: Mr. John Owens.

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JOHN OWENS,

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

(Testimony of John Owens.)

Direct Examination

Trial Examiner Myers: Will you give the reporter your name and address, please?

A. John Owens, 202 Fifth Street, Port Arthur, Texas. [1098]

Q. (By Mr. Martin) Mr. Owens, did you ever work on the SS "California"? A. Yes, sir.

Q. About when were you on her?

A. From about October 10 to October 28 or 29.

Q. What year? A. 1937.

Q. What day of the week was it when you went aboard? A. Sunday morning.

Q. Did you have a discussion with any official, any officer of the ship?

A. I took my assignment card to Mr. Rosen, the chief mate. He asked me if I had a book. I asked him what kind of a book, and he said Copeland book; and I said: "No, sir. I have a certificate of identification."

And he said: "Let's see it."

And I gave it to him. And he said: "Come to my room. I would like to talk to you."

Q. Where were you standing then?

A. Where was I standing in the first part of the conversation?

Q. Yes.

A. Around about No. 5 wing tank, I believe. When I got to his room he said: "The Texas Company doesn't recognize any union, you know."

[1099]



(Testimony of John Owens.)

And I said: "Yes, sir, I know that."

And he said: "We don't want any union agitation back there. We are all together on this ship. There is plenty of time off. This is only a relief trip. It is up to you to make a permanent job out of it if you want to."

And he said: "If that is all right, you can sign on."

And I said: "All right, sir."

Q. How had you gotten the job?

A. Through the Seamen's Institute.

Q. Was anything said to you about it being a relief trip before then?      A. No.

Q. When you got aboard did you understand you were to make a relief trip?

A. Not until I talked to Mr. Rosen.

Q. Dave Rosen?      A. Yes, sir.

Q. Can you tell me where the boat was seven or eight days later?

A. In Bayonne, New Jersey.

Q. Did you overhear a discussion or remark that day that you remember?

A. I overheard several of them, I guess; one in particular. [1100]

Q. Tell us about that one.

A. Soon after we got the hose connected up to pump the cargo ashore me and the boatswain had started to go forward for something. I don't remember just what it was, and second mate Baldwin was calling to an ordinary seaman to come and help

(Testimony of John Owens.)

open some valves. And the boatswain asked him if he wanted me to help, and spoke to me, John. And he said, no. And he remarked that one of the ordinary seamen, I forget what his name was, we called him Pete, could do that; and he remarked: "We don't need none of those rank and filers. We can get along without them."

Q. Who said that?

A. Second Mate Baldwin.

Q. Were you a rank and filer at that time?

A. I was a member of the N. M. U.

Q. How many N. M. U. were there?

A. I don't know exactly, on the whole ship. There was about three in the deck department, I believe; not more than five on the whole ship altogether, anyway.

Q. How many members are there to the deck force in all?

A. On the "California", I believe thirteen.

Q. Of whom you say only eleven were N. M. U. men?

A. That is right.

Q. Were any union meetings held while you were on the boat?

A. No, sir. [1101]

Q. How many trips did you make?

A. Only one trip.

Q. One trip? A. That is right.

Q. Why did you leave?

A. I didn't like the conditions on the ship, working conditions.

Q. What was the matter?

(Testimony of John Owens.)

A. Well, they were working at night time and there was no overtime paid aboard the ship; and during that whole trip I put in about fourteen hours overtime, and never have got any time for it.

Q. Anything else?

A. Well, there seemed to be quite a bit of anti-union feeling aboard the ship.

Q. There did?           A. Yes, sir.

Q. Were you fired?       A. No, I quit.

Mr. Martin: That is all.

#### Cross Examination

Q. (By Mr. Van Dusen) Mr. Owens, what was your job, ordinary seaman?           A. Able seaman.

Q. Able-bodied seaman?           A. Yes, sir.

[1102]

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#### GORDON ROSEN

was recalled and testified further as follows:

#### Cross Examination

Q. (By Mr. Van Dusen) Mr. Rosen, you recall when you testified before I showed you shipping articles which you signed, and you said there was another trip before you finally left the SS "Washington". Do you remember that testimony?

A. I believe there was.

Q. I showed you articles of June 1, and you said there was another trip about June 22?

(Testimony of Gordon Rosen.)

A. Yes, sir.

Q. I show you these articles, and ask you if those are not the articles you signed? A. Yes, sir.

Q. That covers the last trip before you say you were discharged, isn't that correct?

A. Yes, sir.

Q. Mr. Buckless was on that same trip, was he not, and signed those same articles?

A. I couldn't testify to his signature.

Q. He was on that same trip? A. Yes, sir.

Mr. Van Dusen: I offer these articles in evidence. [1130]

Trial Examiner Myers: Any objection? Hearing no objection, I ask the reporter to please mark the articles as respondent's Exhibit No. 11.

(Thereupon the document above referred to was marked as Respondent's Exhibit No. 11 for identification and received in evidence.)

Trial Examiner Myers: Is that all?

Mr. Martin: That is all.

Mr. Van Dusen: I made this same reservation with reference to Mr. Buckless, and I merely want to ask him if his signature is on there. [1131]

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## CLARENCE BUCKLESS

resumed the stand and testified further as follows:

### Recross Examination

Q. (By Mr. Van Dusen) Mr. Buckless, I show

(Testimony of Clarence Buckless.)

you the shipping articles dated June 22, 1938, of the SS "Washington". I am showing you Plaintiff's Exhibit No. 11 and I ask you if you signed these shipping articles?      A. Yes, sir.

Q. That was the last trip before you say you were discharged?      A. The trip before?

Q. Yes, the last trip you made on the "Washington"?      A. Yes.

Mr. Van Dusen: Thank you.

(Witness excused.)

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E. H. BALDWIN,

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Trial Examiner Myers: Will you give your name and address to the reporter, please?

A. E. H. Baldwin.

Trial Examiner Myers: What does the E. stand for?      A. Edward.

Trial Examiner Myers: And what is your address?

A. The Goodhue Hotel, Port Arthur, Texas.

[1132]

Direct Examination

Q. (By Mr. Van Dusen) Mr. Baldwin, are you employed by The Texas Company?

A. Yes, sir.



(Testimony of E. H. Baldwin.)

Q. In what capacity?

A. Second mate at the present time.

Q. Second mate aboard what ship?

A. The "California".

Q. How long have you been second mate aboard the "California"?      A. Five years.

Q. Five years?      A. Five years.

Q. That is since approximately what date?

A. Since about the first of 1934.

Q. Were you employed by The Texas Company prior to that time?      A. Yes, sir.

Q. In what capacity?

A. As third mate on the "California".

Q. How long were you third mate on the "California"?      A. From November 7, 1931, to 1934.

Q. On the "California" all that time?

A. Yes, sir.

Q. And were you employed by The Texas Company still prior [1133] to that?      A. Yes, sir.

Q. In what capacity?      A. As third mate.

Q. On another ship?      A. Yes, sir.

Q. What ship?

A. The SS "Shenandoah."

Q. How long were you third mate on that ship, Mr. Baldwin?      A. Approximately a year.

Q. Approximately a year?      A. Yes, sir.

Q. Were you on any other ships prior to that time?      A. Yes, sir.

Q. What ship?      A. The "Ayrian".

Q. What were you on that ship?

(Testimony of E. H. Baldwin.)

A. As third mate.

Q. And how long were you third mate on that ship?      A. Approximately one year.

Q. How about prior to that time?

A. Yes, sir.

Q. What ship were you on?

A. The "Texas". [1134]

Q. The "Texas"?      A. Yes, sir.

Q. And what were you on that ship?

A. I was quartermaster there for 18 months.

Q. And prior to that time?

A. That was my entry into the Texas Company.

Q. What year was that?

A. September 17, 1928.

Q. So on your first job with The Texas Company you were employed as——

A. (Interrupting) As an able-bodied seaman.

Q. (Continuing) As an able-bodied seaman?

A. Yes, sir. I was later promoted to quartermaster.

Q. On the ship the "Texas"?

A. On the "Texas", yes, sir.

Q. Now how long have you been going to sea?

A. Fourteen years.

Q. Fourteen years?      A. Yes, sir.

Q. How did you start?

A. My brother carried me with him. He was an A. B. on a ship and he got me a job as an ordinary seaman and I went off with him.

(Testimony of E. H. Baldwin.)

Q. Did you have to have a license to be an ordinary seaman?

A. No, sir, you didn't have to have nothing in those days. [1135]

Q. You were sort of an apprentice?

A. Yes, as an apprentice.

Q. How long was it before you became an A. B.?

A. Within three years after that.

Q. Within three years?

A. Yes, sir. I became an able-bodied seaman.

Q. You got a license?

A. I got an A. B.'s ticket and a life boat ticket.

Q. How long after that was it before you became third mate?

A. I became third mate in January, 1930.

Q. 1930?           A. Yes, sir.

Q. Do ordinary seamen today have to get licenses?

A. No. The only thing they have is a certificate of identification and the necessary papers to sign on at the present time according to the new rules.

Q. I mean do they have to go to any particular place to get this certificate of identification?

A. Yes. They have to go to the custom house as a rule.

Q. Do they have to qualify in any way?

A. No, sir, not as an ordinary seaman. The only thing they have to produce is a birth certificate showing that they are American citizens.

(Testimony of E. H. Baldwin.)

Q. Can anybody become an ordinary seaman today?  
A. Yes, sir. Can qualify to get papers.

[1136]

Q. Now, Mr. Baldwin, were you second mate on board the SS "California" on or about June 30, 1937?  
A. Yes, sir.

Q. Who was captain of the ship at that time?

A. Captain Peterson.

Q. Is he still captain of that ship?

A. No, sir.

Q. What happened to him?

A. He has retired from The Texas Company altogether.

Q. When did he retire?

A. He retired in April, if I am not mistaken; April or the first of May of this year.

Q. Do you know where he is now?

A. He is in Norway at his home.

Q. Now at that time who was the chief mate on board the ship?  
A. I was chief mate.

Q. You were chief mate?  
A. Yes, sir.

Q. Were you the regular chief mate?

A. No, sir. I was relieving chief mate.

Q. Who was the chief mate you were relieving?

A. Mr. Dave Rosen.

Q. Where was he at the time?

A. He was in the Marine Hospital in New York.

[1137]

Q. Now when did he get back to the ship approximately?

(Testimony of E. H. Baldwin.)

A. It was some time in July or the first of August; the last of July or the first of August.

Q. Of what year? A. Of 1937.

Q. Now just a minute, Mr. Baldwin. I am talking about June 30, 1937, and he came back some time at the end of July or the first of August of that year?

A. Yes, sir, if I am not mistaken.

Q. Who was the third mate on board that ship?

A. Mr. Monroe.

Q. Now were there different departments on that ship?

A. Yes, sir, there are three departments.

Q. What were the departments?

A. There is the deck department, the steward's department and the engine room department.

Q. How many men do they have in the deck department? A. There are thirteen men.

Q. Who was in charge of the deck department?

A. The chief mate.

Q. Mr. Rosen, when he was there?

A. When he was there.

Q. And when he was not there were you in charge? A. I was in charge of it.

Q. How many men in the steward's department?

[1138]

A. There are seven men.

Q. Who was in charge of that department?

A. The steward.

Q. Who was he at that time?



(Testimony of E. H. Baldwin.)

A. Chester Moody was his name.

Q. Moody? A. Yes, sir.

Q. How many men were there in the engine room department?

A. Roughly speaking, there are about 17. I would have to count them to make sure.

Q. Who was in charge of that department?

A. The chief engineer.

Q. Do you remember his name?

A. Peterson.

Q. Peterson? A. Yes, sir.

Q. Was he related to the captain?

A. No, sir, no relation whatsoever.

Q. Now is the captain in complete charge of the ship? A. Yes, sir.

Q. Does every one, including the heads of those departments, have to take orders from him; that is, from the captain? A. Yes, sir.

Q. What are the duties of the chief mate?

A. The upkeep of the ship and the handling of the cargo, [1139] loading and discharging it, and of the deck department.

Q. He is in charge of the deck department?

A. Yes, sir, he is in charge of the keeping up of the ship, the loading and discharging of the cargo, and he is solely responsible for the cargo.

Q. When the captain is absent does he assume charge of the ship?

A. Yes, sir, he assumes command of the ship when the captain is ashore.

(Testimony of E. H. Baldwin.)

Q. What are the duties of the second mate?

A. The duties of the second mate are to stand his watch at sea and in port to assist the chief mate and he stands his watch at night time. The second and third mates settle their watches between themselves. The chief mate has the day watch between 8:00 o'clock and 4:00 o'clock in the afternoon, and it is between the second and the third mate as to who takes the watches between 4:00 o'clock in the afternoon and 8:00 o'clock in the morning. It is between the two of them. For instance if I want the first watch, I take it and if the other mate wants the first watch then he takes it. That is between the two mates.

Q. And while the second and third mate are in charge do they assume the duties of the chief mate?

A. To a certain extent. If the chief mate is ashore they have charge of it, but if he is aboard the ship he is respon- [1140] sible for it. He can give any orders or change anything he might see fit to do.

Q. You say the chief engineer is in charge of the engine department?

A. Yes, sir, the chief engineer is in charge of the engine department.

Q. What type of men does he have under him?

A. Well, he has his assistants. He has three assistants, he has his pumpman and he has his oilers and his firemen and his wipers.

(Testimony of E. H. Baldwin.)

Q. What are the duties of an A. B., an able-bodied seaman?

A. He has to stand his watch and do the necessary duties around the deck; whatever may come up to be done; in the way of splicing lines, wires, painting and chipping, and so forth, tying up the ship, letting go the ship, and he stands lookout at night and he relieves the quartermaster.

Q. And what are the duties of an ordinary seaman?

A. The duties of an ordinary seaman are practically the same. He is under the boatswain and he works around the deck with everybody else. We have three of them. They stand watches. We have five of them all told; two of them are maintenance men. There are five of them and they stand watches.

Q. Does the boatswain have to be an A. B.?

A. Yes, sir, he has to have an A. B. ticket and a life boat [1141] ticket.

Q. Is he in charge of the able-bodied seamen?

A. No, sir.

Q. What does he do?

A. He helps the A. B.'s. He takes orders from the mates and he tells them what to do. It is our duty to tell him anything we see fit to do. If I want to take one man off one job and put him another, that is my privilege as a mate aboard the ship.

Q. Does a quartermaster have to be an A. B.?

(Testimony of E. H. Baldwin.)

A. Yes, sir, he has to have an A. B. ticket and a life boat ticket.

Q. What are his duties?

A. To steer the ship at sea and stand the regular watches, and in port to stand around the deck and take orders from the mates in the way of watching the gangway and the lines and opening and closing valves when you are handling cargo.

Q. How many quartermasters do you have?

A. Three.

Q. Three shifts?                      A. Yes, sir.

Trial Examiner Myers: That is a pretty important position, isn't it, quartermaster?

A. It is a pretty important position in the way of steering a ship. [1142]

Q. (By Mr. Van Dusen) Is he an officer of the ship?                      A. No, sir.

Q. Would you say a first or second pumpman is an officer of the ship?                      A. No, sir.

Q. From whom does he take orders?

A. He takes orders from the chief engineer at sea and in port when we are loading or discharging cargo he is under the charge of the chief mate; that is, when you are handling cargo or running pumps.

Q. Is his an operating job?

A. Yes, sir, his is an operating job. He operates the pumps. They start them pumps and stop them whenever we see fit to start and stop them.

Q. Does he give orders to anybody, the second pumpman?                      A. No, sir.

(Testimony of E. H. Baldwin.)

Q. When you arrive at a port do some of the men have to remain on duty on the ship?

A. Oh, yes, sure. The day we arrive in ports, if we come in at 8:00 o'clock in the morning and we tie up and all, the crew is supposed to work until 5:00 o'clock in the afternoon. Then their day is finished, but the three quartermasters, as is customary with The Texas Company, they get a relief at [1143] 4:00 o'clock in the afternoon. There is no quartermasters on night duty. The same way with the mates and pumpmen. We have relieving quartermasters, mates and pumpmen, but this is the only place that they have that. Up at northern terminals they don't have that. In northern terminals there is a mate on watch and a quartermaster and a pumpman on watch at all times when they are discharging cargo, and when all the cargo is out they proceed to sea.

Q. It is customary when your ship leaves Port Arthur to sign shipping articles with the crew to take that voyage?

A. Yes, sir, it is very important to sign articles at the beginning of every voyage.

Q. Are those called coastwise shipping articles?

A. Coastwise shipping articles.

Q. If you take a foreign trip are different types of articles signed? A. Yes, sir.

Q. What is the difference between foreign shipping articles and coastwise, if you know?

Mr. Wright: I am going to object to this be-



(Testimony of E. H. Baldwin.)

cause it involves a legal conclusion.

Mr. Van Dusen: Well, it is explanatory.

Trial Examiner Myers: Overruled.

Mr. Wright: Note an exception.

Mr. Van Dusen: Read the question. [1144]

(The last question was read.)

A. The difference between them is that they are a different type of articles and they are read in front of the crew and a United States Shipping Commissioner.

Q. That is the foreign articles?

A. Yes, sir, and you are bound to live up to those articles until the ship returns to final port of discharge, where the Commissioner comes aboard and pays you off just as he signs you on. If you come to a port the Commissioner has to be present when he pays you off.

Trial Examiner Myers: What happens on coastwise? A. Coastwise?

Trial Examiner Myers: Coastwise articles.

A. They sign the articles, but they don't have to sign it in front of any Shipping Commissioner.

Trial Examiner Myers: They are supposed to sign them in front of the captain?

A. The captain or the mate; either one or the other. The articles are read.

Trial Examiner Myers: Read before the boys?

A. Yes, sir, the articles are read.

Trial Examiner Myers: Is it common practice for the crew to sign after the ship has sailed?

(Testimony of E. H. Baldwin.)

A. Yes, sir, as you go down the canal. We have done that.

Trial Examiner Myers: Suppose they sign a couple of [1145] days after you set sail?

A. No, we never do that.

Trial Examiner Myers: You never do that?

A. No, sir, because in the mornings we sail early and all of our crew is not aboard.

Trial Examiner Myers: Suppose you sail at night?

A. Then they will be signed the next day. A lot of men are not able to sign their name as you leave the dock and they have to be able to sign their name. [1146]

Trial Examiner Myers: You mean they are not sober enough to sign their name?

A. Yes, sir. I have seen it that way. And as a rule, Port Arthur is a home port for most of these men and they go ashore and they don't come back until the next morning.

Q. (By Mr. Van Dusen) Now, with reference to these coastwise trips where the articles are signed at Port Arthur, what is the customary period for those articles?

A. The customary period?

Q. Yes.

A. Not exceeding over two months.

Q. And do they usually provide for discharge at Port Arthur? A. Yes, sir.

Q. Now, are new articles signed up only at the

(Testimony of E. H. Baldwin.)

end of the voyage?

A. At the end of the voyage, yes, sir.

Q. But do they pay off at various ports?

A. No, sir. At the present time, running the coast, we pay off in Port Arthur all the time. Otherwise we go in a shipyard up North and then we pay off because we are going to be there.

Trial Examiner Myers: Are you attached to a vessel at the present time? A. Yes, sir.

Trial Examiner Myers: Which one? [1147]

A. The "California."

Trial Examiner Myers: Is it here in Port Arthur at the present time? A. No, sir.

Trial Examiner Myers: Where is it?

A. She is on her way up to Baltimore.

Trial Examiner Myers: Baltimore?

A. Yes, sir.

Trial Examiner Myers: Are you on vacation?

A. Yes, sir.

Trial Examiner Myers: Are you on vacation now?

A. Yes, sir. I was taken off here by The Texas Company.

Trial Examiner Myers: You mean for this hearing? A. Yes, sir, for this hearing.

Trial Examiner Myers: So you would be here for the hearing?

A. For the hearing whenever they wanted me.

Trial Examiner Myers: When did you sign the articles?

(Testimony of E. H. Baldwin.)

A. When did I sign the articles? The last time the ship left here going north.

Trial Examiner Myers: When was that?

A. That is around the first of September or the last of August; around the last of August.

Trial Examiner Myers: When is it due back here?

A. It is due back here in about ten days. [1148]

Trial Examiner Myers: What are you going to do after the ship is back here?

A. I will rejoin my ship and sail with her.

Trial Examiner Myers: And you are going to rejoin as second mate?

A. Yes, sir, I am going to rejoin as second mate as far as I know at the present time.

Q. (By Mr. Van Dusen) Do you have to sign the articles as well as the other seamen?

A. Yes.

Q. Does the captain?

A. The captain signs the face of the articles.

Q. The chief mate? A. Yes, sir.

Q. Now before a ship leaves Port Arthur after loading, do you have to have a required number of men in each department aboard?

A. Yes, sir, we have to have a full crew; a full complement.

Q. Now whose duty is it to see that you have a full crew?

A. It is one of the mate's duty to check up on the crew before the ship leaves the dock to see that

(Testimony of E. H. Baldwin.)

there is everybody aboard.

Q. Now if you don't have a sufficient number of men to make a full crew, who decides what new men will be taken on? [1149]

A. Well, we notify the Marine Department that we are so many men shy.

Trial Examiner Myers: Who is "we"?

Q. (By Mr. Van Dusen) Who is "we"?

A. Well, the captain or the chief mate. The chief mate notifies the captain whoever is not on board.

Trial Examiner Myers: And what does the captain do?

A. He tells the chief mate to see the shipping master.

Trial Examiner Myers: And you call up and what happens?

A. Then they send down the necessary men we need.

Trial Examiner Myers: And as soon as they get on board you tell the men to go to work, is that it?

A. We sail the ship, yes, sir.

Q. (By Mr. Van Dusen) Then is it true that the captain or the chief mate selects the men for the trip? A. No, sir.

Q. Who does?

A. They are sent there by the shipping master.

Q. They are sent there to the captain or the chief mate, is that correct? A. Yes, sir.

Trial Examiner Myers: Now, that is not the tes-



(Testimony of E. H. Baldwin.)

timony. There is no use twisting it around. The testimony is that the man is sent by the Marine Department to the boat; the captain or the mate calls up the office and says that they need an able-bodied seaman or an ordinary seaman and they [1150] send one down.

Mr. Van Dusen: That is right.

Trial Examiner Myers: That is the testimony.

Mr. Van Dusen: That is right.

Q. (By Mr. Van Dusen) Is the captain obliged to take any man sent to the ship by the ship-pingmaster?

A. We take any man they send down.

Q. They do? A. As far as I know.

Q. Now when a ship arrives back at Port Arthur for loading again, is it the practice to sign here new articles? A. Yes, sir.

Q. Can seamen, on being paid off, quit the ship?

A. Yes, sir.

Q. In the event the captain does not desire to sign new articles with a seaman, what does he do?

A. He doesn't desire to sign them on?

Q. Yes.

A. Well, he tells them that their service is no longer required aboard the ship.

Trial Examiner Myers: He fires them, you mean?

A. His services are no longer required.

Trial Examiner Myers: They are fired?

A. Well, he doesn't put it that way. Just tell

(Testimony of E. H. Baldwin.)

them that their service is no longer required. [1151]

Q (By Mr. Van Dusen) He doesn't sign them on new articles? A. That is it.

Trial Examiner Myers: He tells them in the terms that seamen understand?

A. Oh, yes, seamen understand the terms.

Q. (By Mr. Van Dusen) Has it been your experience that seamen leave the ship and shift from one ship to another? A. Yes, sir.

Q. Now, do you know Captain Hand?

A. Yes, sir.

Q. What are his duties as far as you know?

A. As far as I know his duties are those of the Marine Superintendent of the Southern Division for The Texas Company. He is in charge of the operating of the ships in the Southern Division.

Q. Do you know Captain Roney?

A. Yes, sir.

Q. What are his duties?

A. His duties are as Marine Manager. He is in charge of the Marine Division of The Texas Company.

Q. Is he Mr. Hand's superior?

A. Yes, sir, he is Mr. Hand's superior.

Q. Do you know Captain Riever?

A. Yes, sir.

Q. What are his duties? [1152]

A. As far as I know, he is Vice President or Chairman of the Board or Vice Chairman of the Board or something to that effect.

(Testimony of E. H. Baldwin.)

Q. Is he Mr. Roney's superior?

A. Yes, I would say so.

Q. Now during the time you have been second mate and during the time you have taken over the duties of the chief mate, have you ever inquired of seamen regarding their union activities?

A. No, sir.

Q. Or their union affiliations?

A. No, sir.

Q. Have you been given any instructions at all regarding that by your superiors?

A. No, sir.

Q. Has Captain Roney or Mr. Riever at any time told you not to discriminate because of union activities or affiliations?

A. Yes, sir, he has told that aboard the ship there, not to discriminate aboard toward any unions. [1153]

Trial Examiner Myers: Was that in writing?

A. No, sir, it was not in writing.

Trial Examiner Myers: Who told you?

A. Mr. Roney.

Trial Examiner Myers: When was this?

A. This was, this September it was a year ago.

Q. (By Mr. Van Dusen) Now while you are aboard ship as second mate has it been your experience during all the time that you have been on the sea that members of the crew would come either to you or to the chief mate or to the captain regarding grievances that they might have?

(Testimony of E. H. Baldwin.)

A. Yes, sir.

Q. Have they ever discussed overtime?

A. No, sir.

Q. Have you ever refused to discuss grievances with any seaman?

A. No, sir, I never refuse them.

Q. Do you know whether Captain Peterson ever did?      A. I don't think he did.

Q. How about chief mate Rosen?

A. No, sir, he never did either.

Q. Is it the policy of the officers of the "California" to listen to the grievances of the crew?

A. Yes, sir.

Q. And to attempt to iron them out? [1154]

Trial Examiner Myers: You mean to say in all the years you have been a mate nobody complained about——

A. (Interrupting) Oh, yes, they did.

Trial Examiner Myers: (Continuing) —about overtime?

A. They haven't complained to me. That is, when I was chief mate aboard the "California" I had no complaints.

Trial Examiner Myers: No complaints at all about overtime?      A. No, sir.

Trial Examiner Myers: What about when you were second mate?

A. When I was second mate they didn't complain to me.

(Testimony of E. H. Baldwin.)

Trial Examiner Myers: Did you ever hear of any sailor complaining in all the years you have been a mate?      A. Yes, sir, I have heard complaints.

Trial Examiner Myers: Complain about not getting their full overtime?      A. Yes, sir.

Q. (By Mr. Van Dusen) You have only been acting as mate in short periods of time, isn't that correct?      A. Yes, sir, but different times.

Q. Where would complaints regarding overtime usually go?      A. To the master.

Trial Examiner Myers: Directly to the master?

A. No, directly to the chief mate and then to the master. [1155]

Q. (By Mr. Van Dusen) Now on this trip which the "California" took on or about June 30, 1937, do you remember a seaman, an able-bodied seaman, by the name of J. Gordon Rosen?

A. Yes, sir.

Q. Do you see him in the court room?

A. Yes, sir.

Q. Do you remember a quartermaster by the name of James B. Blasingame?      A. Yes, sir.

Q. Do you remember a second pumpman by the name of Spencer?      A. Yes, sir.

Q. Now were you acting as chief mate on or about June 30, 1937, when these two seamen came aboard?      A. Yes, sir.

Q. Were you present when they signed articles?

A. No, sir. Not that I recall I wasn't present.

Q. Do you recall having any conversation with



(Testimony of E. H. Baldwin.)

Mr. Rosen?           A. No, sir.

Q. At the time he boarded the ship?

A. He reported to me as an able-bodied seaman.

Q. What did you say to him?

A. I told him to go aft and he would find his quarters and to report to the boatswain. I don't remember just what time of the day it happened when he came aboard. [1156]

Q. Did you ask him if he was a member of any union?           A. No, sir.

Q. Did he tell you that he was a member of any union?           A. No, sir.

Q. Is it your practice to ask seamen whether they are members of any union?           A. No, sir.

Q. Now did Mr. Blasingame report to you when he came aboard the ship at that time?

A. Yes, sir.

Q. Do you recall the conversation you had with Mr. Blasingame?

A. Other than my telling him to go—where he would locate the quarters and to report to the boatswain, and if I am not mistaken there was a quartermaster's job open at the present time and I offered it to him. I said there was an A. B.'s job open and a quartermaster's job open and that he could have his choice of either one he wanted.

Q. Which one did he take?

A. He took the quartermaster's job.

Q. Did you ask Mr. Blasingame if he was a member of any union at that time?           A. No, sir.

(Testimony of E. H. Baldwin.)

Q. Did he tell you that he was a member of any union at that time?      A. No, sir. [1157]

Q. Did those two gentlemen then proceed to their duties on the ship?      A. Yes, sir.

Q. Were you present when Mr. Blasingame signed shipping articles?      A. No, sir.

Q. Now do you recall when Mr. Rosen left the SS "California"?      A. Yes, sir.

Q. About what time was that?

A. It was on September—around September 18; around the middle of September somewhere; somewhere along there, the 15th, 16th or 17th; somewhere in that neighborhood.

Q. Did Mr. Blasingame leave about the same time?      A. Yes, sir.

Q. Did Spencer leave about the same time?

A. Yes, sir.

Q. By the way, when Mr. Spencer came on board did he report to you?      A. No, sir.

Q. To whom did he report?

A. The chief engineer.

Q. He was second pumpman, was he not?

A. Yes, sir.

Q. Why didn't he report to you?

A. Because he is not under my department whatsoever. [1158]

Q. Did you have any conversation with him when he came aboard?      A. No, sir.

Q. Did you ask him whether he was a member of any union?      A. No, sir.

(Testimony of E. H. Baldwin.)

Q. Did he tell you he was a member of any union?      A. No, sir.

Q. Now those three men left about the same time, you say?      A. Yes, sir.

Q. Now during the period of time that Mr. Rosen was on the SS "California" did he at any time inform you that he was a member of a union?

A. No, sir.

Q. Did Mr. Blasingame?      A. No, sir.

Q. Did Mr. Spencer?      A. No, sir.

Q. Did you ask any of these men whether they were members of a union?      A. No, sir.

Trial Examiner Myers: Did they ever come to you with any grievances?      A. No, sir.

Trial Examiner Myers: Never did?

A. No, sir. [1159]

Trial Examiner Myers: Rosen never came to you or the captain with any grievances?

A. No, sir, not while I was chief mate. Of course I was demoted back to second mate when the chief mate returned.

Trial Examiner Myers: Didn't you ever hear him talking to the captain or to the chief mate about being delegate of a union?      A. No, sir.

Trial Examiner Myers: Didn't you know he was delegate?      A. No, sir.

Trial Examiner Myers: Well, everybody else on the boat knew it.

A. Well, I certainly didn't know it.

Trial Examiner Myers: Go ahead.

(Testimony of E. H. Baldwin.)

Q. (By Mr. Van Dusen) Did anybody ever tell you that these gentlemen were members of a union?

A. No, sir.

Trial Examiner Myers: When did you first find out they were members of the union?

A. In the Erie Basin in the shipyard up there.

Trial Examiner Myers: In New York?

A. Yes, sir.

Trial Examiner Myers: What date was that?

A. I don't remember, sir.

Trial Examiner Myers: Was that on Labor Day?

[1160]

A. No, sir. It was in 1937.

Q. (By Mr. Van Dusen) Was that after they had left the ship?

A. That was before they left the ship.

Q. How long before? A. Oh, about a week.

Q. About a week? A. Yes, sir.

Q. Who told you then that they were members of a union?

A. I just heard it. It was just hearsay say so.

Trial Examiner Myers: Do you know how many union men you had on board? A. No, sir.

Trial Examiner Myers: You never have found out to this day?

A. No, sir, never have found out to this day.

Trial Examiner Myers: How did you happen to find out about those two?

A. From discussing some overtime in New York in the way of tank cleaning money. That is the only

(Testimony of E. H. Baldwin.)

time I ever heard it, and that is hearsay say so, that they were union men.

Trial Examiner Myers: With whom were they discussing that?

A. They were discussing that with the chief mate and the captain. [1161]

Trial Examiner Myers: Did you happen to be there? A. No, sir.

Trial Examiner Myers: Who told you?

A. The other members of the crew. I overheard a conversation.

Q. (By Mr. Van Dusen) Now during the course of this trip did you see any members of the crew holding meetings? A. No, sir.

Q. Did you see any literature pertaining to union activities? A. No, sir.

Q. Did you see any material published or posted on bulletin boards on the ship?

A. No, sir, none.

Q. Now how often would you say during the course of a week you would have occasion to see Mr. Rosen? A. Every day.

Q. Every day? A. Yes, sir.

Q. For how long a period of time?

A. For four hours would be the most.

Q. Four hours? A. At sea, of course.

Q. And that was during your watch?

A. No, sir, that was during the morning watch.

Q. Were you on that watch? [1162]

A. No, sir, I wasn't on that watch.



(Testimony of E. H. Baldwin.)

Q. You were off duty then?

A. I was off duty as second mate, but as mate I was around the deck.

Q. Then you would be around the ship while Rosen was working?

A. Yes, providing I was mate.

Q. Yes, when you were mate. A. Yes, sir.

Q. Did you have occasion to give him any orders? A. Yes, sir.

Q. Did you ever have any discussions with him?

A. No, sir.

Q. Now when you were second mate did you have occasion to see Mr. Rosen?

A. No, sir, I saw him only around the deck is all.

Q. Only around the deck? A. Yes, sir.

Q. While you were second mate would he be taking orders from you?

A. No, sir, unless it was some orders that was passed along from the chief mate for me to pass along, but ordinarily, being on the 8 to 12 watch and a man being on the 12 to 4 watch, I would have no reason whatsoever to give him orders for anything. [1163]

Q. While you were second mate did you have any discussions with him that you recall?

A. No, sir.

Q. Now during the course of the voyage did you see much of Mr. Spencer?

A. No, sir, not at sea. I didn't see much of him.

(Testimony of E. H. Baldwin.)

Q. Why not?

A. Because he was working at various places on the ship; in the pump room or in the cargo hold where there is a pump room or he was working in the machine shop in the engine room.

Q. You had nothing to do with that?

A. Nothing whatsoever.

Q. Now during the voyage for the period of time while you were chief mate did you have occasion to come in contact with Mr. Blasingame?

A. Not as chief mate, no, sir.

Q. Not as chief mate? A. No, sir.

Q. And that was for how long a period of time?

A. What is that?

Q. While you were acting as chief mate?

A. About two months.

Q. That was at the beginning of the voyage, was it not?

A. Oh, yes, that was at the beginning of the voyage. [1164]

Q. So you had no occasion to talk to Mr. Blasingame at the beginning of the voyage for approximately two months?

A. As mate whenever we get out to sea I talked to anybody. For instance, the quartermasters, if I have anything to tell them to do, I give them their orders with reference to what they have to do and what they haven't got to do.

Q. Do you recall having any discussions with Mr. Blasingame while you were chief mate?

(Testimony of E. H. Baldwin.)

A. Only one.

Q. Only one?           A. Yes, sir.

Q. What was the subject of that conversation?

A. The subject of that was that each mate has a station. We allow those men fifteen minutes in the day time and thirty minutes at night time for their coffee and their smoke and they also have a station to keep clean. The three men have them. One has the wheel-house and one has the chart room and one has the outside brass on the ship to shine, which it takes about an hour and a half or two hours, depending on how fast the man is. Coming into port, coming into Port Arthur or New York, they shine the brass, sweep up the wheel-house and mop it up and clean up the windows and things like that.

Q. Now when you went back to the position of second mate, did you then have much occasion to see and speak to Mr. Blasingame? [1164-A]

A. Yes, sir. He was my quartermaster on my watch.

Q. And what was that watch?   A. The 12 to 4.

Q. That is 12 midnight?

A. 12 midnight and 12 noon to 4 p. m. and 4 a. m.

Trial Examiner Myers: Was he on those watches with you?

A. Yes, sir, from 12 to 4. From 12:00 o'clock at noon to 4 in the afternoon, and from 12:00 o'clock midnight to 4 a. m.

Q. (By Mr. Van Dusen) Did you have much

(Testimony of E. H. Baldwin.)

occasion during that period of time to talk to this man? To talk to Mr. Blasingame? A. Yes, sir.

Q. And what did you usually discuss?

A. Well, as I would go in through the wheel-house I would speak. We have coffee in there and as a rule—I came up from the ranks as an ordinary seaman and I have worked my way up and I have had mates to talk to me when I was quartermaster and ask me where I had come from and what ships I had been on; you know, just various questions. That is practiced on most every ship I was ever on. I have done it myself; asked questions and they would ask me questions in turn.

Q. You were his superior then? A. Yes, sir.

Q. During those watches?

A. During the watches, yes, sir. [1165]

Q. During all those conversations did you ask him whether he was a member of a union?

A. No, sir.

Q. Did he tell you? A. No, sir.

Q. Did you discuss union activities or union policies with him? A. No, sir.

Q. Did you at any time make any statements to him to the effect that the company or you did not recognize unions?

A. No, sir, I didn't make such a statement.

Trial Examiner Myers: Did you ever discuss with him any individual in the crew? A. No, sir.

Trial Examiner Myers: Never did?

A. No, sir.

(Testimony of E. H. Baldwin.)

Trial Examiner Myers: Well, what were you talking about?      A. In what respect?

Trial Examiner Myers: In any respect.

A. As I was standing? As I was on my watch?

Trial Examiner Myers: Yes.

A. Well, as I said a minute ago I asked him where he came from; what ships he was on.

Trial Examiner Myers: Well, that you found out maybe the first time or the second time you talked to him, but you [1166] were two months with him.

A. We talked about the weather, the speed of the ship, when we were going to get where we were going, when we were going to get ashore.

Trial Examiner Myers: Nothing about the political situation of the United States?

A. No, sir, we never discussed that.

Trial Examiner Myers: Go ahead.

Did you ever hear the expression "rank and file"?      A. Yes, I have heard the expression.

Trial Examiner Myers: What does that mean to you?      A. I don't know.

Trial Examiner Myers: What?

A. I don't know, sir.

Trial Examiner Myers: How many times have you heard it?

A. I have heard it among the crew. I have heard the crew talk about it.

Trial Examiner Myers: You don't know what "rank and file" means?

A. No. Truthfully speaking, I don't know.



(Testimony of E. H. Baldwin.)

Trial Examiner Myers: Well, "rank and file" in my way of thinking is just the common ordinary people.

A. I don't know, sir.

Trial Examiner Myers: What?

A. I don't know, sir. [1167]

Trial Examiner Myers: What do you call the people in general?

A. In general? I wouldn't call them that kind of thing.

Trial Examiner Myers: What would you call them?

A. I would call them the public.

Trial Examiner Myers: The public? Surely; the rank and file is the public.

A. No, I wouldn't say "rank and file".

Trial Examiner Myers: The people on the street are the rank and file.

A. Well, I don't know what it is.

Mr. Van Dusen: Are you finished, Mr. Examiner?

Trial Examiner Myers: Yes.

Q. (By Mr. Van Dusen) Mr. Baldwin, do you recall any conversation with Mr. Rosen——

A. (Interrupting) No, sir.

Q. Pardon me just a minute.

(Continuing) —when he came aboard the ship and asked you what his duties were in which you made this statement, "Just a minute. There is one thing I want to tell you we don't allow on this ship and that is getting drunk, missing watches, and we don't allow any agitation with the crew on this union business"? A. No, sir.

(Testimony of E. H. Baldwin.)

Q. Did you make any such statement? [1168]

A. No, sir.

Trial Examiner Myers: Didn't you warn him about not getting drunk? A. No, sir.

Trial Examiner Myers: It is common practice for seamen to get drunk, isn't it?

A. Surely. I have been drunk. I have seen a lot of others drunk.

Trial Examiner Myers: And come on board drunk?

A. And come on board drunk. As a seaman I did too.

Trial Examiner Myers: They even have that on the articles. The first page of the articles says, "Any member of the crew reporting in an intoxicated condition on sailing day shall be discharged and a substitute shipped in his stead."

A. Oh, yes.

Trial Examiner Myers: That is a pretty common practice?

A. Yes, sir, that is a pretty common practice.

Trial Examiner Myers: All right. Go ahead. You say you didn't bother warning him on that?

A. No, sir, they all know that.

Q. (By Mr. Van Dusen) Can you distinguished between a man who is drunk and a man who has been drinking? A. Yes, sir.

Q. Is it the policy on the "California" to keep on board [1169] ship men who are habitually drunk?

(Testimony of E. H. Baldwin.)

A. No, we don't keep them if they are drunk in every port we go to. We can't afford that.

Trial Examiner Myers: When you fire a man for being drunk what is the procedure?

A. What is the procedure?

Trial Examiner Myers: Yes.

A. Do you want to know at the present time?

Trial Examiner Myers: Yes.

A. We get a statement from the man. We have another witness there. We get another member of the crew or the mate and we get a statement on that man admitting he is drunk and the statement is given to the master and it is forwarded to New York with his own statement.

Trial Examiner Myers: You mean where he is drunk? A. Yes, sir.

Trial Examiner Myers: Suppose he doesn't give you a statement?

A. Well, he has to give you a statement.

Trial Examiner Myers: I beg your pardon?

A. I haven't had no instance to see a man who would refuse to give a statement.

Trial Examiner Myers: Or wouldn't admit he was drunk?

A. Yes, we have never had that happen yet.

Trial Examiner Myers: And that is forwarded to the New [1170] York office?

A. Yes, sir, that is forwarded to the New York office.

Trial Examiner Myers: And that fellow is for-

(Testimony of E. H. Baldwin.)

ever blackballed?

A. I couldn't say about that. I don't know that, sir.

Trial Examiner Myers: That is the purpose of sending it to the New York office, isn't it?

A. As far as I know it is to have a record of the character of the man.

Trial Examiner Myers: Don't you ever notify the home port?

A. If we had an instance to do that, well, it would be reported. The letter would go to Mr. Hand.

Trial Examiner Myers: To Mr. Hand?

A. Yes, sir.

Trial Examiner Myers: I mean if the man signed on at Port Arthur would you notify Mr. Hand that the man was drunk and that you fired him for drunkenness?

A. If we returned him to Port Arthur we would.

Q. (By Mr. Van Dusen) When you say "fired" you mean?

A. His services no longer required aboard the ship.

Q. That is, you don't sign him up on new articles?

A. No, we just don't sign him up on new articles. [1171]

Trial Examiner Myers: How long has that practice been in effect to get a confession from the man? Would you say the last eighteen months?

A. No, sir, not as I know of.

(Testimony of E. H. Baldwin.)

Trial Examiner Myers: In the last year?

A. Oh, it has been probably three or four months ago is the first time that I knew it was in effect.

Trial Examiner Myers: Are those written instructions?

A. To the best of my knowledge the captain has a letter in regards to that.

(Discussion off the record.)

Trial Examiner Myers: What was the practice before you got those written instructions about getting a written confession?

A. What was the practice?

Trial Examiner Myers: Yes.

A. Well, as I say if the man was disqualified and all, he was told he was no longer required.

Trial Examiner Myers: Would you notify anybody to that effect in the office?

A. No, sir. It went in on the crew list that the man was off the ship and the reason that he left the ship. It goes in on the crew list; the changes of the crew.

Trial Examiner Myers: By the "crew list" you mean these shipping articles? [1172]

A. No, sir. There is a crew list, a form made up by The Texas Company, that is sent in to the New York office every time the ship leaves port.

Trial Examiner Myers: Who has charge of that? Captain Hand? A. You mean in receiving it?

Trial Examiner Myers: Sending it to the New



(Testimony of E. H. Baldwin.)

York office.

A. I make it out and the captain or the mate forwards it to the New York office.

Trial Examiner Myers: Do you keep a copy aboard ship?

A. No, sir, we don't keep a copy aboard the ship. We have the articles and the information in the crew list is on the articles with their name.

Trial Examiner Myers: Why they are fired?

A. Yes, sir. It is not on the articles, but it is on the list that goes to New York. There is no space for that on the articles.

Trial Examiner Myers: It says "Conduct and qualifications." Couldn't you put it there, referring to Respondent's Exhibit No. 1? There is a column there marked "Conduct and qualifications." Couldn't you put it there?

A. Oh, yes, it could be put there if I had orders to do it.

Trial Examiner Myers: All right.

A. My instructions are to put it on the crew list.

[1173]

Mr. Van Dusen: Are you finished, Mr. Examiner?

Trial Examiner Myers: Yes.

Q. Now, Mr. Baldwin, when Mr. Blasingame came aboard the ship, do you recall making this statement to him; that you would not "stand for any drunkenness on this ship, missing watches, or any agitating the crew on union matters"?

(Testimony of E. H. Baldwin.)

A. No, sir, I never said it.

Q. Now, Mr. Baldwin, do you recall an instance when Mr. Rosen was on a special job of replacing the halyard for the radio antenna?

A. Yes, sir, I can recall it, but I can recall it not as a special job. It is a routine job among the able-bodied seamen.

Q. Is that a job that any able-bodied seamen should be able to perform?

A. Yes, sir, he should be able to perform that.

Q. He should be able to perform that to get his license?

A. Yes, sir.

Q. Do you recall during that trip having a special splicing job during which you said to Mr. Rosen, "Rosen, I would like you to come out this afternoon and finish this splicing. I wouldn't trust any of the other fellows back there to do it. If you do it I will give you time off in Port Arthur"? Do you recall that?

A. I asked him to come back and finish the job that he had [1174] started and I said I would give him time off.

Q. Is that a job which any A. B. should have been able to perform?

A. Yes, sir, that is a job that any A. B. should have been able to perform.

Q. Why was it given to him?

A. Because it was at sea on the 8:00 to 12:00 watch and it was given to him.

Q. Was there any other A. B. on duty?

(Testimony of E. H. Baldwin.)

A. Yes, sir, there was another man on duty.

Q. Why wasn't it given to him?

A. There was another man assisting him, but I can't recall who it was; whether it was an A. B. or an ordinary seaman.

Q. Do you think he could have performed that job?

A. If the A. B. had been there he probably could have.

Q. Now do you recall when Mr. Rosen left the ship?

A. Yes, sir.

Trial Examiner Myers: Which Mr. Rosen?

Q. (By Mr. Van Dusen) J. Gordon Rosen.

A. Yes, sir.

Q. Do you recall Mr. Rosen saying to you when he went up to you for his discharge, "What is the reason for me getting fired?"

A. No, sir.

Q. Do you recall saying to Mr. Rosen, "The reason? Well, [1175] you know we don't want any agitating back there"?

A. No, sir, I didn't say that.

Q. Did you ever make any such statement?

A. No, sir.

Trial Examiner Myers: Did he ask you why he was fired?

A. No, sir.

Trial Examiner Myers: Did he ask you why he was discharged?

A. No, sir.

Trial Examiner Myers: He just went in and got his money, was discharged and walked away?

A. As far as I know, yes, sir.

(Testimony of E. H. Baldwin.)

Q. (By Mr. Van Dusen) Was Mr. Rosen discharged as far as you know?

A. Why was he discharged?

Q. I say was he, as far as you know.

A. As far as I know, no, sir, he was not.

Q. Was Mr. Blasingame discharged, as far as you know?

A. As far as I know, no, sir.

Q. Was Mr. Spencer?

A. No, sir. I don't know about him.

Trial Examiner Myers: Is it your contention, Mr. Van Dusen, that these men have not been fired?

Mr. Van Dusen: Yes. Our contention is that they left the "California" and quit of their own accord. [1176]

Trial Examiner Myers: Is that the last boat these gentlemen were on?

Mr. Van Dusen: No. Mr. Rosen was on three boats. He has got three separate claims, you see, in the complaint. This is the first one.

Trial Examiner Myers: You claim he was fired the last time?

Mr. Van Dusen: The last two, yes, sir.

Trial Examiner Myers: The last two he was fired? [1177]

Mr. Van Dusen: We claim that his articles were terminated and were not renewed the last two times.

Q. (By Mr. Van Dusen) Do you recall the circumstances under which Mr. Rosen was paid off and got his discharge; that is, his discharge certificate?

(Testimony of E. H. Baldwin.)

Do you recall that?           A. How is that?

Q. Do you recall the circumstances under which Mr. Rosen was paid off and got his certificate of discharge?

A. I didn't know anything about it until the chief mate notified me that he had left on his own accord, so that I could put it in my crew list that I was to send to New York.

Q. Did you put that in your crew list?

A. I did; that he left on his own accord, as the chief mate told me.

Q. Did you pay him off or did the chief mate pay him off?           A. The master paid him off.

Q. The master paid him off?           A. Yes, sir.

Q. Did you give him his certificate of discharge or did the master?           A. The master.

Trial Examiner Myers: What did you have to do with it if the master did everything?

A. The master gives the discharges. That is his job.

Trial Examiner Myers: What did you have to do with it? [1178]           A. With what?

Trial Examiner Myers: With Rosen leaving the ship?           A. I didn't have nothing to do with it.

Trial Examiner Myers: Well before he asked you whether Rosen said that to you, reading certain statements, and you said "no".

A. No, I didn't know anything about Rosen leaving the ship. The chief mate told me why he left the ship; on his own accord.



(Testimony of E. H. Baldwin.)

Trial Examiner Myers: And how did that happen to come up?      A. What is that?

Trial Examiner Myers: The discussion between you and the chief mate?

A. In order to make out my crew list. When a man leaves I ask the mate why he left and I also ask the chief engineer and the steward, because I have to put it on my list.

Mr. Van Dusen: Mr. Examiner, I will show you a crew list so that you can follow it.

Trial Examiner Myers: Go ahead. I understand.

Mr. Van Dusen: Do you want to see the crew list?

Trial Examiner Myers: Go ahead.

Mr. Van Dusen: Oh, you don't want to see it.

Trial Examiner Myers: Do you know why William John McKenna was paid off on August 30, 1937? [1179]      A. McKenna?

Trial Examiner Myers: Yes.

A. I don't recall the name.

Trial Examiner Myers: Do you know why William H. Butler was paid off on the same day?

A. No, sir, I don't recall.

Trial Examiner Myers: Or Charles W. Sterling paid off on September 10?

A. No, sir, I don't recall.

Trial Examiner Myers: Or Willard T. Maloz was paid off on September 10?

A. No, sir, I don't remember.

Trial Examiner Myers: Hugh James Duffey, do

(Testimony of E. H. Baldwin.)

you know why he was paid off on September 7, 1937? Do you remember why he was paid off?

A. No, sir, I don't remember why he was paid off.

Q. (By Mr. Van Dusen) Mr. Baldwin, will the crew list refresh your recollection on that, on why those men left? A. Yes, sir.

Trial Examiner Myers: I want to know why he knows about Rosen's leaving so well and doesn't know about these other men.

A. Well, there are different reasons. Some men are on there for a trip during the summer and some of them make a relief trip. [1180]

Trial Examiner Myers: How do you know Rosen's so well? Why do you know all the circumstances——

Mr. Van Dusen: He said the mate told him.

Trial Examiner Myers: (Continuing) Regarding Rosen leaving the ship?

A. I remember the instance.

Trial Examiner Myers: And you don't remember of these others?

A. I don't remember of these others, but I remember this particular instance because the chief mate told me.

Trial Examiner Myers: Well, the chief mate must have told you about those men I read off, didn't he?

A. Yes, sir, he told me about them.

Trial Examiner Myers: And you don't remember?

(Testimony of E. H. Baldwin.)

A. I would have to look at the crew list to tell.

Q. (By Mr. Van Dusen) Have you given particular thought about Mr. Rosen and Mr. Blasingame in view of this particular case; this proceeding?

A. Have I done what?

Q. Have you given particular thought to Mr. Rosen's and Mr. Blasingame's case in view of this particular case here?

A. Yes, I gave thought to it.

Q. In other words, you tried to recollect what happened?

A. I did remember the best I could. [1181]

Q. Have you discussed it with Mr. Rosen, your chief mate?

A. Yes, I discussed it with him.

Q. Do you recall any discussion with Mr. Blasingame while you were on watch with him?

A. Yes, sir, as I said a while ago.

Q. Just a minute. Do you recall any discussion with Mr. Blasingame while you were on watch with him in which you asked him how many union men were aboard?

A. No, sir, I never asked those questions.

Q. Did you discuss with him a man that had been on there that belonged to the union that you had gotten rid of?

A. No, sir.

Q. Did you mention a man by the name of Charley Morton as one whom you got rid of for agitating unions?

A. No, sir.

Q. Do you remember Charley Morton?

A. No, sir, I don't remember him.

(Testimony of E. H. Baldwin.)

Q. Did you say to Mr. Blasingame that you had to get rid of this man Morton because he was agitating union all the time?

A. No, sir, I never said such a thing.

Q. Did you keep telling Mr. Blasingame that you had no use for any unions whatsoever?

A. No, I never said that.

Q. Did you tell Mr. Blasingame that you had at one time be- [1182] longed to a union on the west coast and gotten gypped out of about \$50.00?

A. No, sir. I never joined no union.

Q. Have you ever been a member of a union?

A. No, sir, I have never been a member of no union. [1183]

Q. Did Mr. Blasingame ever discuss with you Arthur Spencer, Slim Clark or a man named Meyers or a man named Buster Scott? A. No, sir.

Q. Did he ever say anything to you about their being members of a union? A. No, sir.

Q. Did you ever inquire about them?

A. No, sir.

Q. How about a man named Smith?

A. No, sir.

Q. Did you ask Mr. Blasingame whether any of them were members of a union? A. No, sir.

Q. Do you recall a seaman who joined the crew at Port Arthur, an ordinary seaman, who had been employed aboard the Pennsylvania Shipping Company's ship "Paco"? A. No, sir.

Q. Did you say to Mr. Blasingame that that

(Testimony of E. H. Baldwin.)

gentleman was a member of the rank and file?

A. No, sir.

Q. Did you ask Mr. Blasingame whether he was a member of the rank and file? A. No, sir.

Q. Did you say to Mr. Blasigame that if he were a member of the rank and file he wouldn't "Be on this ship very long"?

A. No, sir, I didn't say it. [1184]

Q. Do you remember a fireman by the name of Dan Whittenberg coming aboard the ship *ship* at Newberg? A. Yes, sir.

Q. Do you recall saying to Mr. Blasingame as Mr. Whittenberg came aboard the ship "There is a man that won't ride this ship very long" because he had an N. M. U. button on the lapel of his coat?

A. No, sir.

Q. Now, Mr. Baldwin, didn't this man Whittenberg come aboard the ship on the Sunday prior to Labor Day in 1937?

A. I can't remember what day it was, but it was at Newberg where he came aboard the ship.

Q. It was shortly before the time Mr. Rosen and Mr. Blasingame left the ship?

A. Well, I can't recall just when the man did come aboard the ship, but I know he did come aboard at Newberg.

Q. Now, did he remain on the ship after Rosen and Blasingame left? A. Yes, sir.

Q. Did you or the chief mate or the captain



(Testimony of E. H. Baldwin.)

discharge him at Port Arthur at the time Mr. Blasingame and Mr. Rosen left the ship?

A. No, sir, he wasn't discharged off the ship.

Q. He remained on? A. Yes, sir. [1185]

Q. And signed new articles? A. Yes, sir.

Q. Now, how long did he remain on the ship?

A. I would say roughly speaking a couple of months.

Q. Do you know why he left the ship?

A. Yes, sir.

Q. Why?

A. Because he received a message from Mr. Roney, the marine manager, that his mother was not expected to live; that she was near death.

Q. Where did he leave the ship?

A. He left it at Stapleton.

Q. Where did he leave the ship? A. What?

Q. I say where did he leave the ship?

A. At Stapleton, New York. We anchored the ship just to let him off the ship that night.

Q. Do you recall talking to Mr. Blasingame as the "California" was going through Sabine Pass and commenting on a boat called the "Larry Doheny"? A. No, sir.

Q. Do you recall saying to Mr. Blasingame regarding that ship, "There is one of your rank and file ships. Don't you think this ship looks better?"

A. No, sir. [1186]

Q. Were you present at the time Mr. Blasingame left the ship? A. I was aboard the ship.

(Testimony of E. H. Baldwin.)

Q. You were aboard the ship? A. Yes, sir.

Q. Did he go to you to be paid off?

A. No, sir.

Q. Did he go to you to get his certificate of discharge? A. No, sir.

Q. Do you know who gave him a certificate of discharge?

A. The master. To the best of my knowledge the master did.

Q. Do you know who paid him off?

A. The master.

Trial Examiner Myers: You only surmise that.

A. The master has a habit that he always gives his own discharges.

Trial Examiner Myers: Captain Peterson?

A. Yes, sir, Captain Peterson. He never lets any other one give them a discharge except himself. If he has a book, he enters it in their book. If they have an identification certificate he gives him a discharge, because he has a stub that he fills out that stays aboard the ship.

Q. (By Mr. Van Dusen) Did you see Mr. Blasingame before he left the ship after arriving at Port Arthur?

A. I saw him around the deck is the only thing.

[1187]

Q. Did he talk to you? A. No, sir.

Q. Did you talk to him? A. No, sir.

Q. Did you at any time tell him he was fired?

A. No, sir.

(Testimony of E. H. Baldwin.)

Q. Do you know whether he fired?

A. Other than what Mr. Rosen, the mate, told me.

Q. And what did Mr. Rosen the mate tell you?

A. That he left on his own accord.

Q. Was it the practice of Captain Peterson to pay off these men one at a time or in a group?

A. In a group. They formed in a line.

Q. Were you in the Captain's office when they were paid off and given their certificates of discharge?

A. I couldn't recall. I have been there a lot of times when he gave different men discharges, but I can't recall whether I was there at the time when he gave them theirs or not.

Q. How long was the boat in Port Arthur at that time before it left on its next trip?

A. Well, as a rule we only get one night in. We get one day and a night. Now and then we may get two nights, but it is not very often that we get two nights.

Q. Do you recall whether Slim Clark, who was referred to by [1188] Mr. Blasingame in his testimony, remained on the ship?

A. I can't recall whether he remained on the ship or not without seeing the crew list.

Q. Is this the crew list of the SS "California" showing who left the ship at the time it arrived in Port Arthur on or about September 18?

A. Yes, sir.

(Testimony of E. H. Baldwin.)

Q. Will you look at that and see if it refreshes your recollection as to whether Mr. Clark remained the ship? A. Yes, sir, Clark was an oiler.

Q. And he remained on the ship?

A. Yes, sir.

Q. Will you also look at this and let me know whether a man named Smith remained on the ship?

A. Yes, sir, Smith is here.

Q. How many Smiths are there on that sheet?

A. Two.

Q. Did they both remain on?

A. Yes, sir.

Q. Does this show whether Mr. Whittenberg remained on the ship?

A. Yes, sir. There he is as fireman.

Q. As fireman? A. Yes, sir.

Q. Does this show whether any others in addition to Rosen, [1189] Blasingame and Spencer left the ship of their own accord?

A. Yes, it shows that a fellow by the name of Christensen, Albom, Eden and Leeds left the ship.

Q. Now, was there any reason that you know why either Mr. Blasingame, Mr. Rosen or Mr. Spencer should have been fired from that ship?

A. No, sir.

Q. Now, do you have the authority to discuss with the seamen on board ship and dispose of their grievances; any grievances?

A. Not as second mate, no, sir.

Q. Not as second mate?

(Testimony of E. H. Baldwin.)

A. No, sir, not as second mate.

Q. Who had that authority?

A. The chief mate and the captain.

Mr. Van Dusen: Mr. Examiner, I am not entirely sure that I have covered all parts of this testimony referred to by Mr. Blasingame and Mr. Rosen. I thought this morning that Mr. Martin would take all of this day and part of tomorrow. I would like to have the opportunity to just go through that tonight and I may have one or two more questions to ask.

Trial Examiner Myers: Well, it is 5:30 now. I think we ought to recess. We have had a very full day.

We will recess until 9:00 o'clock in the morning.

(Whereupon, at 5:30 o'clock p. m., September 19, 1938, the hearing was adjourned to 9:00 o'clock a. m., September 20, 1938.) [1190]